Conditions and Politics in Occupied Western Europe 1940~1945

Selected from PRO CLASS FO 371

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CONDITIONS AND POLITICS IN OCCUPIED WESTERN EUROPE 1940-1945

Selected from PRO CLASS FO 371
(General Correspondence. Political)

PART 6, Section A, 1945 (Belgium, Denmark European General and France)

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Attention should be drawn to the nature of the original material. Modern records within the Public Record Office often consist of faintly legible correspondence written with a variety of inks - some of which have faded badly - and poor carbon copies which are similarly difficult to read in the original. These original characteristics present difficulties of image and contrast which stringent tests and camera alterations cannot entirely overcome. Every effort has been made to minimise these difficulties though there are some few pages or documents which have proved impossible to reproduce satisfactorily. Conscious of this we have chosen to include these pages in order to make available the complete volume, bundle or file. The Public Record Office has exercised the most responsible care in the filming of this unique collection and this microfilm publication meets the standards established by the National Microform Association (NMA) and the American National Standards Institute (ANSI).

CONDITIONS AND POLITICS IN OCCUPIED WESTERN EUROPE 1940 - 1945

PART SIX. 1945, SECTION A
(Belgium, Denmark, European General Files and France)

Selected from PUBLIC RECORD OFFICE CLASS FO 371
(General Correspondence. Political)

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	49110	Supplies for France: allocation of shipping to meet demands: minutes of meetings of Four Party Committee held in Paris.

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PUBLISHER'S NOTE

This collection of original documents, each annotated with commentary by the British Foreign Office, provides a unique documentary source for the study of the war in Europe and the diplomatic and propagandist strategy of the Foreign Office.

Part 6, Section A, begins the final part of a major programme making available the most significant files from the Public Record Office FO 371, relating to conditions and politics in Occupied Western Europe in 1945. Already published are Part 1, dealing with files from 1940, Part 2 with 1941, Part 3 with 1942, Part 4 with 1943 and Part 5, Sections A and B with 1944.

Part 6, like Part 5, has been split into two sections. Section A contains 77 files on Belgium, Denmark, General Europe and France, and Section B contains 113 files on Italy, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the Vatican. Together the two sections document in detail the state of Europe as Hitler's Third Reich collapsed and the allied nations prepared to redraw the map.

In all cases complete files have been filmed. The general condition of the files is good but there are occasions when very poor duplicated copies or manuscript notes have been difficult to reproduce. Every care has been taken and the best possible image obtained.

1

WESTERN

1945

F.O.
371

[redacted]

FRANCE

FILE No 103

Pp. 12449 TO END

CLOSED
UNTIL
1972

49114

469

Z

1945

FRANCE

Z 12449

6 NOV 1945

2

Registry Number: Z 12449/103/17

FROM: Mr. Holford Strevens (Department of Overseas Trade)

to Mr. Simpson

Dated: 5th Nov. 1945

Received in Registry: 6th Nov. 1945

Private trade between the United Kingdom and France.

Refers to Mr. Simpson's letter of the 31st October (Z 11746/103/17). Comments on special case of Bordeaux but considers whole position of supplies through French posts should be investigated. Lack of sterling is deterrent to expansion of imports, into France from the United Kingdom.

Last Paper.

Z12311 (Z11746)

References.

(Print.)

(How disposed of.)

Box

49114

(Action completed.)

9/4

(Index.)

25/6/48

Next Paper.

Z12483 (Z12839)

(Minutes.)

I have given Mr Holford-Strevens over the telephone the substance of Mr Henderson's minute on Z11746. He will probably be writing to Mr Fraser, but will communicate with us again or with Personnel Dept. before doing so.

H.F.S. 6/11

Personnel Dept. 7/11
(Mr Henderson)

Commercial Dept. See minute on Z 11746. – why not minute it here?
hrh.
7/11

× H.S. 12/11

29082 F.O.P.

DH.

...plies should be addressed
... Comptroller-General,

reference.....

Z 12[illegible]9

6 NOV 1945

Telephone :
Victoria 44[illegible]

Telegrams :
Advantage, Sowest, London

6/3
6/11

DEPARTMENT OF OVERSEAS TRADE

HAWKINS HOUSE, DOLPHIN SQUARE
GROSVENOR ROAD, LONDON, S.W.1

5th November, 1945.

Dear Simpson,

Z11746

Your letter of the 31st October about Bordeaux. It may be that there is a special case for considering Bordeaux separately on grounds of necessity to counter U.S. activity in a port area which has looked to the west for its supplies. There is, too, an abvious need to keep our commercial prestige up in an area which is the centre of the wine market and an important market for certain colonial products, e.g. rum, vanilla, cane sugar.

But I think we ought to look at the question as a whole for France and consider, also, what is the position at Marseilles, Lyons, Lille and Havre.

In any case, we need Mr. Fraser's views first - there has been some correspondence with the D.O.T. about this liaison with the Consular Officers - I will look into this and after consulting E. Section and my chiefs I will write to you again.

At present, of course, the lack of sterling is a deterrent to expansion of imports into France from the United Kingdom, but this is no reason for delay in putting into order our machinery for gathering

/commercial

F.L. Simpson, Esq.,
Foreign Office.

commercial intelligence and renewing our contacts.

I am copying to Mrs. ~~Carmichael~~ JAMES, Board of Trade.

Yours sincerely,

E.J. Holford-Strevens

(E.J.Holford-Strevens).

Mrs C has handed over yr. letter to Mrs J.

470

1945

Z

FRANCE

Z 12483

7 NOV 1945

5

Registry Number } Z 12483/103/17

TELEGRAM FROM
Mr. Duff Cooper

No. 1254

Dated 6th Nov. 1945

Received in Registry } 7th Nov. 1945

French exports to United Kingdom

Message for Welch (Board of Trade) from Fraser reporting conversation between Minister of Finance and Mr. Duff Cooper on measures to increase British imports of French products. Ambassador advised M. Plevin that best thing would be to proceed with arrangements in hand and speed up discussions on de Sailly's list.

Last Paper.

Z 12449.

References.

(Print.)

(How disposed of.)

bodies sent to B/T for Mr Welch & to Mr Ellis-Rees (Dsy)

(Action completed.)

HBC 13/11

(Index.)

25/11/45

Next Paper.

Z 12498

(Minutes.)

A satisfactory adjustment of the franc exchange rate will undoubtedly help to increase the flow of French products towards this country.

W. Strang 9/11

Ec Rels Dept VA.a.R 12/XI

HR 9/11

6

[CYPHER] C O P Y DEPARTMENTAL No. 1

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper
No. 1254

6th November 1945

D 6.7 pm 6th November 1945

R.6.20 pm 6th November 1945

.....

Following for Welch, Board of Trade from Fraser.

At a lunch arranged at his oqn request the Minister of Finance asked the Ambassador yesterday what could be done to increase our imports of French products, including luxuries. After discussions the Ambassador advised M. Pleven that the best thing was to get on with what was now in hand and speed up discussions in London on de Sailly's list. It is not clear how much has been reported to M. Pleven by his officials; but mention was made of decision to admit small quantities of luxury or semi-luxury goods and of our proposals regarding wine and steel scrap. It was hinted to M. Pleven that a good many difficulties that arise during discussions come from the French side and there are objections or reluctances of one kind or another on the part of some, at any rate of sellers. M. Pleven was also told that it was of no use trying to sell us perfume at present: we presume this is still the case.

If he continues in the Ministry, a point which M.Pleven seemed by no means anxious, he may possibly ask for discussions on these matters to be transferred from London to Paris. Perhaps you will think this over.

M. Pleven reacted favourably to the suggestion that after the new Government has been formed he or his successor should pay a visit to London in order to discuss the situation with the Chancellor of the Exchequer and President of the Board of Trade.

The reverse side of the picture was not touched on yesterday except in the most general way; but we are keeping it constantly before officials of the Ministry of National Economy.

Perhaps you will copy this to Ellis-Rees reference Waley's telegram 15 Remac.

[Copies sent to the Board of Trade for Mr. Welch and to Mr. Ellis-Rees, Treasury].

OTP.

[CYPHER] DEPARTMENTAL NO. 1.

FROM PARIS TO FOREIGN OFFICE 7 12483

Mr. Duff Cooper.
No. 1254.

D. 6. 7. p.m. 8th November 1945.

6th November 1945.

R. 6.20. p.m. 6th November 1945.

* * * * * *

Following for Welch, Board of Trade from Fraser.

At a lunch arranged at his own request the Minister of Finance asked the Ambassador yesterday what could be done to increase our imports of French products, including luxuries. After discussions the Ambassador advised M. Pleven that the best thing was to get on with what was now in hand and speed up discussions in London on de Sailly's list. It is not clear how much has been reported to M. Pleven by his officials; but mention was made of decision to admit small quantities of luxury or semi-luxury goods and of our proposals regarding wine and steel scrap. It was hinted to M. Pleven that a good many difficulties that arise during discussions come from the French side and there are objections or reluctances of one kind or another on the part of some, at any rate of sellers. M. Pleven was also told that it was of no use trying to sell us perfume at present: we presume this is still the case.

If he continues in the Ministry, a point on which M. Pleven seemed by no means anxious, he may possibly ask for discussions on these matters to be transferred from London to Paris. Perhaps you will think this over.

M. Pleven reacted favourably to the suggestion that after the new Government has been formed he or his successor should pay a visit to London in order to discuss the situation with the Chancellor of the Exchequer and President of the Board of Trade.

The reverse side of the picture was not touched on yesterday except in the most general way; but we are keeping it constantly before officials of the Ministry of National Economy.

Perhaps you will copy this to Ellis-Rees reference Waley's telegram 15 Remac.

[Copies sent to the Board of Trade for Mr. Welch and to Mr. Ellis-Rees, Treasury.]

OTP

471

N94

Z

FRANCE

Z 12498

8 NOV 1945

8

Registry Number Z 12498/103/17

FROM
Mr. Brunt (M.W.T) to Sir A. Rumbold.

No. FSR PW62/64

Dated 5th Nov, 1945.

Received in Registry 8th Nov, 1945.

Deliveries of German coal to France.

Refers to Sir A.Rumbold's letter of 3rd November (Z 12143/103/17) which has been passed on to Bitchnell, British member of Executive Board of E.C.I.T.O. Copied ~~receipts~~ recipients of letter under reference.

Last Paper.

Z 12483

References.

(Print.)

(How disposed of.)

(Minutes.)

Seen with Z 12511

HS 13/11

(Action completed.)

Rec'd 25/11/46

(Index.)

10/7/46

Next Paper.

Z 12511

Telegrams: (Shipping) "SHIPMINDER, TELEX, LONDON."
(Inland Transport) "TRANSMINERY, TELEX, LONDON."
Telephone: ABBEY 7711
Extn. 3675.

Mr Simpson to see
& further min pls.

Our Reference FSR.PW.62/64.

Your Reference

MINISTRY OF WAR TRANSPORT,
BERKELEY SQUARE HOUSE,
LONDON, W.1.

Z 12498
8 NOV 1945

5th November, 1945.

Dear Rumbold,

Thank you for your letter Z.12143/103/17 of the 3rd November about deliveries of German coal to France. I have passed it on to Birtchnell, the British Member of the Executive Board of ECITO, in order that he may take the matter up.

I am sending copies to the recipients of your letter.

Yours sincerely,

P.A. Brunt.

P.A. Brunt.

Sir Anthony Rumbold,
Foreign Office,
Downing Street,
S.W.1.

472.

1945

Z

FRANCE

Z 12511 10

8 NOV 1945

Registry Number: Z 12511/103/17

FROM Brigadier Sinner (War Office) to Sir A. Rumbold.

No. BM/TNI/WE/16/3

Dated 5th Nov. 1945.

Received in Registry 8th Nov. 1945.

Deliveries of German coal to France.

Refers to Sir A. Rumbold's letter of 3rd November (Z 12143/103/17)

Does not consider it appropriate to send directive to British army of the Rhine as Wagon repair is principal occupation of Railway Directorate. Is asking B.A.O.R. for a report however. Difficulty seems to be due to French failure to balance waggon on interchange.

Last Paper.

Z 12498

References.

(Minutes.)

Pl. See also Z 12498 and Z 12523.

Discussed with Sir A. Rumbold Afternoon.

W.J.D. 12/11

(Print.)

(How disposed of.)

Tel) Paris 2740(S) Nov 13

c) Mr Brund (NWT)
Mr Ryman (DDE (ET) Norfolk House.
Miss Stevens (UI/Prod)
Brig Sinner (WO) Nov 14

B) Miss Smith, M/Food Nov 17.

(Action completed.)

DRE 5/11

(Index.)

Next Paper.

Z 12522

Tel. No: VICtoria 6622 Ext 311

IMPORTANT

The War Office,
Metropole Buildings,
Northumberland Avenue,
London, W.C.2.

Z 12511
8 NOV 1945

Ref: HM/TN1/WE/16/3

5 Nov 45.

Dear Rumbold

Thank you for your letter Z 12143/103/17 of 3 Nov 45.

I hardly think that it would be appropriate to send a directive to the British Army of the Rhine instructing them to give high priority to wagon repair and improved turnround, as these two matters have been two of the principal occupations of the Railway Directorate of the British Army of the Rhine for some months. I am, however, asking B.A.O.R. for a report on the various points raised.

From the information available here it is believed that the main difficulty is caused by the French failure to balance wagons on interchange. If it is a fact that there were an adverse balance from the British Zone to France of no less than seven thousand (7,000) wagons in a fortnight, it is scarcely surprising that the French are not getting their coal.

You will appreciate that B.A.O.R. will only be in a position to report the situation within the British Zone. So far as I know an accurate record is kept at all interchange points with the British Zone and the figures have not been disputed.

Yours Sincerely

K R Simmonds

A. Rumbold, Esq.,
Foreign Office,
S.W.1.

Copy to: Miss Stevens (Ministry of Production)
H.B. Ripman, Esq.,(DDE(ET) War Office)
P.A. Brunt, Esq.,(Ministry of War Transport)

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z 12511/103/17

12/11

Draft.

H.M. Ambassador, Paris

Telegram.

No. 2740 Saving.

Nov 13.

en clair

S. of S. Defence Secret
Secret Dept (Mr Cheetham)
NJAC 13/11
Special (E. S. & R.)

Bot

Copy -
Mr Brundrett, M.W.T.
Mr Rimington, DDE(ET) Norfolk House
Miss Stevens, My/Prod
Brig Sumner, Mo3 (Metropole Building)

Nov. 1945 12

14 11 45

Despatched 4 a M.

OUT FILE

Your tel. No. 1233 [Nov 7- Dec. 27th: Shortfall in deliveries of German coal].

Notice has been taken up here with E.C.I.T.O. and War Office.

2 War Office feel it would be appropriate to send B.A.O.R. directive proposed in paragraph 8 of your tel. under ref. since wagon repair and improved turnround have been two of the principal occupations of the Railway Directorate of the B.A.O.R

fr/

for some months. We are, Lawrence, asking B.A.O.R for a report on the various points raised. The substance of your telegram has also been communicated to the British representative on the E.C.I.T.O. for such action as he may be able to take.

AEP 13/11

NOTHING TO BE WRITTEN IN THIS MARGIN.

14

Z12611/103/17.

OUT FILE

[EN CLAIR] SPECIAL (ECONOMIC SUPPLY AND RELIEF)

FROM FOREIGN OFFICE TO PARIS

No. 2740. SAVING. 13th November, 1945.

6 6 6 6 6

Your telegram No. 1233 [of October 27th: shortfall in deliveries to France of German coal].

Matter has been taken up here with E.C.I.T.O. and War Office.

2. War Office feel it would not be appropriate to send B.A.O.R. directive proposed in paragraph 8 of your telegram under reference since wagon repair and improved turnround have been two of the principal occupations of the Railway Directorate of the B.A.O.R. for some months. War Office are, however, asking B.A.O.R. for a report on the various points raised. The substance of your telegram has also been communicated to the British representative on the E.C.I.T.O. for such action as he may be able to take.

473

1945

Z

Z 12522

9 NOV 1945

15

FRANCE

Registry Number: Z.12522/103/17

TELEGRAM FROM Mr. Duff Cooper;
No. Paris. 561 Saving.

Dated 7th November 1945.
Received in Registry 9th November 1945.

Fortnightly Economic Reports.

Repeated Brussels, Hague, Washington.
Refers to Foreign Office letter (Z.11436/103/17).
Gives amendment to Paris 507 Saving and gives figures for quantities of food and agricultural requirements imported in that month.

Last Paper.

Z 12511

References.

(Print.)

(How disposed of.)

(Minutes.)

The correction in paragraph 1 should be noted against the line when the Print Volume is being prepared. HJ 29/11

Supply - Relief Dept.

Treasury 16/11

(Action completed.)

FPC 16/11

(Index.)

24/11/45

Next Paper.

Z 12523

16

[EN CLAIR] SPECIAL (ECONOMIC, SUPPLY AND RELIEF)

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper.
No. 561 SAVING.
7th November 1945.

R. 5.10 p.m. 8th November 1945.

Z 12522
8 NOV 1945

Repeated to:
Brussels No. 15)
The Hague No. 5) SAVING.
Washington No. 25)

0:0:0:0

Reference Foreign Office letter Z.11456/103/17.

The words in brackets under the heading "PROGRESS OF THE NATIONAL IMPORT PROGRAMME" in our Fortnightly Economic Report No. 8 despatched to London as No. 507 Saving of the 3rd October, 1945, should read "(disregarding coal and P.O.L.)".

2. The monthly figures for imports given in paragraph 19 include the following quantities of food and agricultural requirements:-

Prior to 1st January, 1945 - Nil.

1945	Total Tons	Food Tons	Agricultural Requirements (e.g. cattle feed, fertilisers) tons
January	55,371	19,635	8,891
February	63,148	30,508	15,392
March	160,364	44,795	45,018
April	231,115	34,647	89,496
May	245,265	64,686	55,978
June	370,868	157,657	52,171
July	520,478	211,497	88,896
August	780,856	308,995	208,682
Total	2,405,445	872,418	564,524

8 NOV 1945

424

Z

1945

FRANCE

Z 12523

17

9 NOV 1945

Registry Number Z 12523/103/17

FROM Mr. McGregor (M.W.T.) ~~to Communications Department~~ (Comm'd).

No. R.G. 512/5B

Dated 7th Nov.1945.

Received in Registry 9th Nov.1945.

Deliveries of German coal to France.

Copy of letter to Mr. Ripman referring Sir A. Rumbold's letter to Mr. Brunt (Z 12143/103/17) Encloses Sir A. Rumbold's views pointing out that Luxembourg industry cannot function without supplies of German coke.

Copied Sir A. Rumbold, Brigadier Summer, Mr. Brunt, Mr. Griffith.

Last Paper.

2

References.

Z 12138/2784/4.

With SR Dept

(Print.)

(How disposed of.)

(Action completed.)

15/11

(Index.)

10/7/46

Next Paper.

212534

(Minutes.)

See on Z 12511.

H.D. 12/11

Copy for Sir. A. Rumbold.

enc room 18

R.C. 512/5B

7th November, 1945.

Dear Hugh,

Z 12143

I believe you have had copies of Rumbold's letter to Sinner and Brunt about the short fall in deliveries of German coal to France. As you know, the same thing has been happening in connection with supplies of coke from Germany to Luxemburg and I fully endorse Rumbold's statement that the effect of the short fall in both countries is a very serious matter. In the case of Luxemburg there is the practical point that without supplies of German coke (Germany is by far the major source of supply of metallurgical coke for Luxemburg), the Luxemburg steel industry, which is essential to that small country's economy, cannot function, and what is more, we are ourselves hoping to import from Luxemburg considerable quantities of semi-finished steel goods for which the only alternative source is the United States.
I therefore fully endorse Rumbold's hope that the necessary action may be taken to secure the movement of the full allocation of German solid fuels to the countries concerned.

Z 12523

I am sending this letter to Rumbold, Sinner, Brunt and Eaton Griffith.

NOV 1945

Yours ever,

KENNETH McGREGOR

H.B. Ripman, Esq.

475

1945

Z

FRANCE

Z 12534

9 NOV 1945

19

Registry Number Z 12534/103/17

FROM Cabinet Offices, communicated.

No. S.L.A.O(FR)(45)84.

Dated 7th Nov, 1945.-

Received in Registry 9th Nov, 1945.

French imports from the United States of America. addressed to the M of P.

Attacks a statement showing the position of French procurement in the United States of America up to the end of September 1945, together with a list of shipments from the U.S.A. to France up to the same date. The figures are taken from statements received from the British Civil Secretariat, Washington.

Last Paper.

Z12523

References.

(Print.)

(How disposed of.)

(Minutes.)

Supply - Relief Depts.

17/11

(Action completed.)

22/11

(Index.)

25/6/46

Next Paper.

Z12646

29082 F.O.P.

enter. 20

Z 12534

7 NOV 1945

7 NOV 1945

(THIS DOCUMENT IS THE PROPERTY OF HIS BRITANNIC MAJESTY'S GOVERNMENT)

CONFIDENTIAL COPY NO. 60

SLAO(FR)(45)84

1st NOVEMBER, 1945

CABINET

OFFICIAL COMMITTEE ON SUPPLY QUESTIONS
IN LIBERATED AND CONQUERED AREAS.

FRENCH SUB-COMMITTEE

The attached statement shows the position of French procurement in the United States up to the end of September 1945; together with shipments from the U.S.A. to France up to the same date, excluding tobacco, wool from the United Kingdom stockpile, Canadian wheat, and relief goods from any source.

The figures are taken from several statements received from the British Civil Secretariat, Washington. Columns 2 to 4 cover Lend-Lease and cash procurement; column 5 shows contracts placed for cash purchases; and column 6 shows shipments. The full statements are with the Secretariat and available for Departments to see.

(Signed) A.D. Stevens

Ministry of Production,
Great George Street, S.W.1.

Long Tons and Dollars

Procurement of supplies for France in the U.S.A. up to 30th September, 1945.

Commodity		Lend Lease and Cash Requisition	Lend Lease and Cash Commitments	Lend Lease and Cash Contracts	Cash Purchases Contracts	Shipments up to 30 September 1945 £ and '00 Long Tons	
1. Agricultural feeding stuffs and seeds	L.T.	6,809,550	6,809,550	6,809,550	19,319	13,839.86	L.T.
	£	4,927,505	4,927,505	4,927,505	1,656,070	1,258,761.50	£
2. Transportation Equipment (including marine) (see also below)	L.T.	14,610,800	14,161,800	13,758,482	4,986		
	£	107,252,000	91,837,000	83,951,920	699,885		
3. Constructional Material (including cement) (see also	L.T.	15,052,835	12,287,835	10,778,679	7,945	94,335.71	L.T.
	£	18,582,554	11,382,564	8,686,078	763,525	7,359,049.00	£
4. Minerals & non-ferrous metals	L.T.	6,053,261	5,793,537	4,832,989	187,297	36,632.06	L.T.
	£	8,846,951	7,476,951	5,121,034	143,368,531	4,034,453.93	£
5. Oil & Petroleum products	L.T.	90,614,044	14,100,000	12,000,000	7,299,139	26,428.86	L.T.
	£	41,050,000	22,050,000	21,900,000	227,064,202	740,008.00	£
6. Metals	L.T.	156,559,022	147,468,022	64,129,334	219,108	299,003.74	L.T.
	£	108,332,805	103,632,805	39,192,759	53,642,786	18,307,700.90	£
7. Coal and Carbon	L.T.	29,940,000	26,940,000	6,800,000	853,571	178,289.21	L.T.
	£	2,572,000	2,172,000	511,850	2,473,000	1,247,126.62	£
8. Chemicals	L.T.	8,724,120	7,755,336	6,393,691	4,995,093	103,168.29	L.T.
	£	5,089,232	4,587,910	2,663,853	160,423,319	2,738,698.12	£
9. Paper and Pulp:	L.T.	9,316,726	7,624,236	5,951,207	219,150	41,408.78	L.T.
	£	15,781,954	16,980,954	8,249,140	34,783,419	4,886,687.00	£
10. Rubber products and raw materials	L.T.	3,178,410	3,178,450	1,723,051	16,745	12,507.13	L.T.
	£	21,109,496	20,777,196	12,787,517	14,864,247	8,667,577.75	£
11. Hides and shoes:	L.T.	131,490	124,690	33,405	590	124.41	L.T.
	£	2,151,606	1,956,606	528,799	273,578	157,222.00	£
12. (Textiles, Raw Materials & Manufactured goods including clothing)	L.T.	29,238,986	28,869,536	27,056,111	357,243	228,425.07	L.T.
	£	186,016,570	185,106,570	143,935,304	328,823,836	81,752,059.08	£
13. Motor car parts and garage equipment	L.T.	3,269,272	3,245,871	2,252,579	3,610	12,337.77	L.T.
	£	29,377,944	29,089,764	19,528,284	21,411,219	9,426,578.00	£
14. Machine Tools	L.T.	5,084,597	2,957,605	745,500	7 ,307	339.12	L.T.
	£	71,069,311	40,355,615	10,468,306	729,057	518,321.00	£
15. Agricultural machinery & parts	L.T.	2,200,400	1,813,966	815,177	1,540	6,304.99	L.T.

raw materials	L.T.	3,178,410	3,178,450	1,723,051	16,745	12,507.13	L.T.
	£	21,109,496	20,777,196	12,787,517	14,864,247	8,667,577.75	£
11. Hides and shoes:	L.T.	131,490	124,690	33,405	590	124.41	L.T.
	£	2,151,606	1,956,606	528,799	273,578	157,222.00	£
12. (Textiles, Raw Materials & Manufactured goods including clothing)	L.T.	29,238,986	28,869,536	27,056,111	357,243	228,425.07	L.T.
	£	186,016,570	185,106,570	143,935,304	328,823,836	81,752,059.08	£
13. Motor car parts and garage equipment	L.T.	3,269,272	3,245,871	2,252,579	3,610	12,337.77	L.T.
	£	29,377,944	29,089,764	19,528,284	21,411,219	9,426,578.00	£
14. Machine Tools	L.T.	5,084,597	2,957,605	745,500	7 ,307	339.12	L.T.
	£	71,069,311	40,355,615	10,468,306	729,057	518,321.00	£
15. Agricultural machinery & parts	L.T.	2,200,400	1,813,966	815,177	1,540	6,304.99	L.T.
	£	11,847,717	10,854,330	9,042,231	649,231	3,453,368.00	£
16. Electrical machinery	L.T.	751,412	503,568	186,220	11,306	357.94	L.T.
	£	9,956,774	6,671,171	1,496,423	20,621,700	305,340.70	£
17. General machinery	L.T.	4,082,507	891,333	205,067	123,018	668.70	L.T.
	£	21,748,233	7,614,629	1,262,263	7,196,169	296,997.00	£
18. Public works, including constructional equipment	L.T.	1,940,900	1,623,206	524,146	-	1,170.94	L.T.
	£	17,908,350	14,713,350	4,409,364	-	734,248.00	£
19. Foods (incl. cereals, tinned milk & meat, fats sugar & edible oils)	L.T.	92,129,322	85,775,772	85,775,772	582,000	615,199.25	L.T.
	£	98,828,283	86,744,698	86,744,708	76,914,996	63,723,822.76	£
20. Medical supplies & drugs	L.T.	679,243	508,373	187,919	15,298	2,052.06	L.T.
	£	19,998,212	18,881,521	2,500,018	40,927,402	2,115,300.98	£
21. Public works - dock equipment & water transport vehicles	L.T.	26,619,700	3,601,500	676,087	59,658	3,146.59	L.T.
	£	142,058,573	16,210,573	4,420,642	33,617,722	1,151,267.71	£
22. Aviation equipment	L.T.	-	-	-	8,533	-	
	£				149,937,112		
23. Miscellaneous oils	L.T.	-	-	-	3,000,279	-	
	£				508,681,831		
24. Telecommunications equipment	L.T.	-	-	-	798	-	
	£				63,607,706		

476

Z

FRANCE

Z 12646

13 NOV 1945

22

1945

Registry Number 12646/103/17

FROM

Ministry of Food,

No. communicated.

Dated

Received in Registry 13th Nov, 1945.

Argentine meat for France.

Copy of Ministry of Food telegram to Buenos Aires Grub X3470 5/9/11 stating that it is unlikely that supply position will make it possible for any meat to be supplied from Argentine to France in fourth quarter of 1945. Discusses 1946 allocation of Argentine meat for France.

Last Paper.

Z 12534

References.

(Print.)

(How disposed of.)

(Minutes.)

Trouble ahead here.

H. J. Simpson 13/11

Supply - Relief Depr.

S. American Depr. 27/xi

H. V. Rumbold 13/11

I have asked the Min. of Food to watch the current CFB meat negotiations carefully, & to bear in mind the importance we attach to seeing that the agreement reached with Pinsan on Washington with regard to Argentine meat supplies is carried out.

14/11

Dalrymple 23/11

15/12

(Action completed.)

Emb 6/12

(Index.)

25/6/46

Next Paper.

Z 12681

MINISTRY OF FOOD

Z 12646

13 NOV 1945

CABLE OUT

23

COPY OF CABLE TO MINISTRY OF FOOD REPRESENTATIVE BUENOS AIRES DATED 9.11.45.

GRUBX 3470 N.T. FM 769

Your Grub 3676. FM/890.

It is very unlikely that our supply position will make it possible for any meat to be supplied from Argentine to France in fourth quarter this year.

As regards 1946 the position is that 10% of Argentine's supplies may be allocated by C.F.B. to France but on other hand it is possible that having regard to allocations to France from other sources the full 10% may not be allocated. The matter must await outcome of C.F.B. discussions now proceeding. Meantime you can regard 10% as being in all probability the maximum for 1946.

Sent to:-
Sir John Bodinnar
Sir Henry Ridpath
Mr. Broadley
Mr. G.R.P. Wall
Mr. H.S.E. Turner
Mr. Harrison
Mr. J.E. Wall
Mr. Gardiner
Mr. S.H. Moore
Mr. Jones-Parry
Mr. Amos

Import Plans Registry
Mr. Easterbrook
Mr. C.F. Huntley
Mr. Starke
Mr. Barter
Mr. L.W. Phillips
Mr. Dormain
Mr. Watson
Mr. Turner
Mr. Trott
Mr. Marchant
Mr. Howells
Mr. Pagan

Mr. Pendred
Mr. Marsden
Mr. Harold Jones
Mr. Beard
Mr. G.D. Wilson
Mr. Pomeroy
Maj.Herbert Smith
(BR. EMBY. PARIS)
Mr. T.M. Wilson
(TREAS)
Mr. R.H.S.Allen
(FO)
Brig. C.E.R. Ince
(WO)
Mr. P.W. Martin

10.11.45. 9.35 D/RS

MR Simpson

1945

Z

FRANCE

Z 12681

13 NOV 1945

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Registry Number: Z 12681/103/17

FROM Ministry of Food (communicated)

No.

Dated

Received in Registry: 13th November 1945

Activities of Captain Bur.

Copy of telegram to Buenos Aires GRUB X 3471.

Reports that a Captain Bur, late of the French Ministry of Agriculture in Paris, left that Ministry hurriedly in June, and has now attached himself to the French Buying Mission in South America. As his capacity seems to be completely unofficial, it is suggested that he be treated accordingly, and dealings with him should be avoided.

Last Paper.

Z12646

References.

(Minutes.)

Dft. Paris

19/11

(Print.)

(How disposed of.)

Dft) Paris Chancery
from Z Dept
Nov 22

(Action completed.)

(Index.)

25/6/46

Next Paper.

Z12693

M I N I S T R Y O.F F O O D.

CONFIDENTIAL

CABLE OUT

COPY OF CABLES TO MINIST RY OF FOOD REPRESENTATIVES BUENOS AIRES DATED 10.11.45.

GRUB X 3471

1. We have heard that a Captain Bur, with whom we had some dealings in the Autumn of 1944 when he was in the French Ministry of Agriculture in Paris, Left that Ministry somewhat hurriedly in June last. He is now said to be in South America where he has apparently attached himself to the French Buying Mission.

2. As it appears that his attachment is quite unofficial, we suggest that any approaches by this gentleman should be treated accordingly and that any dealings with him should be avoided.

Sent To:
Mr. Harwood
Mr. H.S.E. Turner
Mr. A.R.W. Harrison
Mr. J.E. Wall.
Mr. J.C. Gardiner
Mr. S.H. Moore
Mr. L.E. Randall
Mr. E. Jones Parry
Mr. Amos
I.P. Registry
Miss Hobley
Mr. Harold Jones
Mr. Beard
Mr. Peacock
Mr. Sutherland
Mr. Farquharson
Mr. J.W. Knight

Maj Herbert Smith
Mr Simpson

Z 12681
13 NOV 1945

10.11.45. O.S. MK. 14.30.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z 12681/103/17

Draft.
Chancery,
Paris

Nov. 1945
26

Confidential

OUT FILE

Dear Chancery,

Pl. see Min. of Food to Buenos Ltr. GRUB X 3471

Aires about a certain Confidante BUR. Would you please make discreet enquiries and let us know whether (a) there is anything definite against him now and (b) he is or is not, officially or unofficially, attached to the French Buying Mission in South America". Yours ever,

Western Dept.

19/11

FOREIGN OFFICE

S.W.1.

(Z 12681/103/17)

22nd November, 1945

Confidential

Dear Chancery,

Please see Ministry of Food telegram Grub X 3471 to Buenos Aires about a certain Capitaine Bur. Would you please make discreet enquiries and let us know whether (a) there is anything definite against this man and (b) he is or is not, officially or unofficially, attached to the "French Buying Mission in South "America".

Yours ever,

Western Department.

The Chancery,
British Embassy,
Paris.

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1945

Z

FRANCE

Z 12720

- NOV 1945

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Registry Number: Z 12720/103/17

TELEGRAM FROM: Mr. Duff Cooper (Paris)

567 Saving.

No.

Dated: 11th Nov. 1945

Received in Registry: 15th Nov. 1945.

Fortnightly Economic Report No. 10.

Covers Coal; Food and Agriculture; Progress of National Import programme; Transport; Industrial situation; Overseas Trade Prices; Wages; Finance; Double taxation; Reconstruction; Civil Aviation and Housing.

Last Paper.

References.

(Print.)

(How disposed of.)

(S) Min Aviation M/S
Mr Kearsley MOT
Mr O'Neil MOT
Mr Harrison M/T
Mr Enfield M/Ag.
Miss Agnew M/TCP.
CCG Secr.
W.O.
Min Pilter M/L
Nov 16

Rptd to Brussels 269 saw.
The Hague 146 saw.
Wiltan 1329 saw.

(Action completed.)

26/11

(Index.)

29/11/46
sows

(Minutes.)

Rptd. Brussels, The Hague and Wiltan (all saving).

Pl. See also amended version of para. 1 on Z 12722.

H. Simpson 16/11

Supply - Relig Dept. 21/11

General Dept. - §20 WJ 24/11

AHP 16/11

Next Paper.

Z 12722

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REGISTRY **REPETITION OF TELEGRAMS.**

[redacted] Z 12720/103/17

(Date) 16.11.45

(Despatched) 6.35 P.M.

(1) CYPHER ROOM,
FOREIGN OFFICE.

Please repeat to the posts shown below telegram No. 567 Savi.

from/to Paris dated Nov. 11th

H.M. Amb. Brussels (No. 269 Savi.) 15/11/45

" The Hague (No. 144 Savi.)

" W'tân (No. 1329 Savi.)

(Signed) F. L. Simpson

(Dept.) Western

(Date) 15/11/45

(2) DIVISION CONCERNED (FOR ARCHIVES).

2 30

Z 12720

15 NOV 1945

[EN CLAIR] SPECIAL (ECONOMIC, SUPPLY AND RELIEF)

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper
No. 567 SAVING

11th November, 1945. R.4.0 p.m. 14th November, 1945.

Repeated to His Majesty's Consular Posts in France No. 72
Circular Saving.

T T T T T

COMPLY

Fortnightly Economic Report No. 10.

COAL.

1. Output in France, like output throughout North-West Europe, is going up and reached 836,509 tons, or 88% of 1938, in the week ending 27th October. The number of men employed underground is considerably more than before the war.

2. As the American strike is over, shipments will begin again and arrivals from the 15th November to 15th December are promised by the Americans, up to a total of 569,500 tons.

3. The great difficulty is still port accommodation and inland distribution. It was recommended to the French authorities that high priority should be given to port and transport questions; but certain difficulties have appeared which we have not yet been able thoroughly to explain. For a few days at the end of October, France was receiving no coal from the German coalfield, owing to the shortage of empty wagons; and some Liberty ships were on demurrage for the same reason. Diversions of loaded wagons have been taking place in French military areas and some of the French military controls cannot account for large numbers of wagons. The thought therefore arises that these difficulties of organisation and transport can only be put right under the direction of civilian experts. Meanwhile, the directive issued to all occupied and freed countries to improve the rapidity of turn-round of wagons and to repair broken wagons by all means, is apparently having its effect, for the Ruhr coalfield admits today having received sufficient wagons to work fully.

FOOD AND AGRICULTURE

4. The Government have adopted three important Ordinances.

5. The first gives a statutory basis to the Agricultural Co-operative Movement, which has been active for a long time

/without

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without it. Regional and national Unions of agricultural experts are to be set up and will in the words of the Ordinance be "capable of giving a new impetus and economic foundation to French agriculture". The Unions will concern themselves with imports and exports, and may set up agencies abroad.

6. The second Ordinance has been framed with a view to assuring a better yield from farms and stabilising the position of the farmer. It guarantees to the good farmer that his lease will be automatically renewed and states that his right to renewal can only be abrogated for "grave and legitimate reasons". A special fund fed by farmers' subscriptions is to be set up for the improvement of rural habitations, and in order to encourage farmers to carry out basic improvements on their holdings the Government guarantees full compensation. A right of pre-emption guarantees to the grower the eventual possibility of becoming the owner of his holding.

7. The third Ordinance is intended to check the movement from the country to industrial centres. Special financial concessions will be given to returning prisoners and deportees who wish to go back on the land. The aim is stated to be "to stabilise on the land labour which is becoming more and more scarce, and..... to raise the social and moral status of agricultural workers by improving their standard of living". It seems that returning prisoners and others are finding the value of their farms much depreciated through want of labour and attention during the war years and they have not the financial means to put them back in good order. Farmers will therefore be helped to get on their feet again by means of loans on specially advantageous terms. The scheme also applies to returning prisoners and others who were not formerly engaged in agriculture; to young farmers who meant to buy a holding before they were mobilised; to former agricultural workers, particularly those who have been in charge of small German farms; and to agricultural workmen.

PROGRESS OF THE NATIONAL IMPORT PROGRAMME

8. Whereas maritime imports of general civil cargo, excluding coal and P.O.L., amounted in August to 710,836 tons, they dropped in September to 585,583 tons. The maritime coal imports rose, however, from 245,818 tons in August to 449,674 tons in September, so that the total for coal and general cargo together rose from 986,654 in August to 1,035,257 tons in September. The total received against the "Eight Months" Import Programme, excluding coal and P.O.L., up to the end of September amounted to 3,010,158 tons. Lack of cargo availabilities for loading has been cited, tentatively as the reason for the drop in general cargo imports during September.

9. It is anticipated that by the end of the year the French

/ports

ports will be capable of receiving general cargo and coal imports at the rate of 2,000,000 tons a month, which closely approximates to their pre-war average. The chief limiting factor on imports, however, apart from financial considerations, especially where the U.S.A. and Canada are concerned, will be inland transport facilities for clearance.

TRANSPORT

10. During the week October 13th to October 19th, 183,952 wagons were loaded, including 20,010 military. The number of loaded wagons entering France amounted to 12,010, including 6,721 military. Thus the number of wagons hauled was 195,962. This includes 26,731 military, 13.6% of the total as compared with 13.7% in the previous week. During the same week the total number of locomotives in working order and under repair or awaiting repair in France amounted to 12,895 steam (including 993 U.S.A. and Allied) and 746 electric. Those in working order and under repair or awaiting repair in France amounted to 12,895 steam (including 993 U.S.A. and Allied) and 746 electric. Those in working order numbered 7,962 steam (including 695 U.S.A. and Allied) and 592 electric. A wagon inventory of the 28th September, 1945, showed 317,087 wagons of all nationalities in France, including 37,880 damaged or beyond repair. On October 15th, 1945, the total SNCF stock of coal amounted to 319,903 tons, which is sufficient for 14 days' operations at a daily consumption of 22,180 tons.

Duplicates previous sentence

INDUSTRIAL SITUATION

11. Apart from grave doubts as to the possibility of maintaining the present level of activity owing to the suspension of coal shipments from Germany through lack of wagons, industry continues about the same. Three blast furnaces have been blown in again and the production of steel was considerably higher in September than in August, despite a reduction in supplies of coke during the month. The engineering industry is short of raw material and coal and has been further interrupted in the Paris area by the cutting off of current at intervals through the day to supply other parts of France, a measure made necessary by the drought which has resulted in abnormally low levels in the hydro-electric dams in the south. Textile production appears to be progressing satisfactorily and chemical output is high.

OVERSEAS TRADE

12. Export trade figures for September almost doubled those in August. The deficit of the balance of payments on commercial account was, however, increased during September by another 3,279 million francs and now amounts to 15,668 millions.

13. No further progress is reported on the Monnet discussions

/regarding

regarding a credit to France and they appear to be waiting for the results of the Anglo-American conversations. We have gathered from a responsible official that the French are feeling a little indignant with the Americans who have brought into these talks questions such as the supply of briar to the United States and the sale of American films in France which they think should be treated by themselves.

14. The Franco-Belgian trade agreement has now been signed. It provides for Belgian exports of seeds, plants, horses, metals and certain manufactured goods up to a value of French Francs 1,700 million; and France will send phosphates, potassium, chemical products, and wine and other luxuries including textiles, toys and beauty products, to a value of 2,800 million French Francs.

PRICES AND WAGES

15. The C.G.T. has asked the Government for an immediate increase of 1,000 francs per month for employees in the public services, for various other wage changes and for an increase in the tax-free income level to Francs 48,000. They claim that prices of certain foodstuffs have increased from 41% to 80% and that prices of industrial goods have increased still further, with the result that only wage increases can prevent the worker's condition from becoming very serious.

FINANCE

16. In an election speech M. Pleven has summed up the financial situation. Monetary circulation had been reduced from 640 milliards to about 400 milliards. The subsequent 10% increase corresponded to an increase of 20% in national output and had been foreseen. In November last year the debt to the Bank of France was 63,200 million francs. This debt has been entirely repaid and the State now has a credit balance of 96,800 millions with the Bank. The Government has succeeded in reducing the rate of interest and has been able to borrow at 1 3/8 per cent as against 3½ to 4 per cent in 1936/37. Measures have been taken to prevent the export of capital and the Government have instituted a capital levy and a tax on profits made during the war as well as confiscating illicit profits. Proceeds from this confiscation amounted to 41 milliard as against an anticipated 12 milliard. Discussing his budget policy, M. Pleven appealed for what he called a "peace budget". This would mean a reduction in military credits and the use of the funds so released to relieve the condition of drawers of fixed incomes, pensioned workers and the like. M. Pleven repeated his declaration of some time ago that the nationalisation of credits would be effected before the end of the year.

17. The Paris police have discovered an attempt to defraud

/the

the French Treasury of sums totalling one milliard francs due to be paid under the recent law as taxation on fortunes acquired during the war. It seems that certain holders of large sums acquired through collaborationist or black-market activities, anxious to get rid of some of their holdings before the exchange of notes in June last, bought Government bonds (bons de la Libération) through secret channels, paying a high commission. These bonds were then subject to registration for the capital levy on large fortunes, and to taxation of up to 85 per cent on property acquired since September 1939. In order to avoid this, the bonds were put back on the market through men of straw, again at a high rate of commission. The selling of large quantities of bonds led to a sharp fall on the Stock Exchange, which attracted the attention of the police. Twenty-one arrests have been made, but it is believed that the real holders of the bonds still remain at large.

DOUBLE TAXATION

18. ~~The~~ An Anglo-French Double Taxation Agreement was signed on the 19th October. This provides that whereas British firms with branches in France were taxed formerly not only on profits made by the branch but on profits assumed to be made in the United Kingdom on their trade with France, the local branch will now only be taxed on the actual profits made in France.

RECONSTRUCTION

19. M. Dautry has stated that the removal of mines has now been effected from 350,000 hectares, of which some 170,000 are susceptible of cultivation. 500,000 buildings have been repaired out of 1,900,000 destroyed or damaged and 700 factories put into working order. Credits granted for the reconstruction of factories so far amount to 23 milliards. The reconstruction programme next year will involve an expenditure of 100 milliard francs.

CIVIL AVIATION

20. After its first unsuccessful effort at a trans-Atlantic journey to South America, the giant French flying boat "Lionel de Marmier", built during the war and hidden from the occupation authorities, left for Rio on the 23rd October, reaching Rio after a call at Port Etienne on the 25th. The time taken was: Biscarosse to Port Etienne, 11 hours 3 minutes; Port Etienne to Rio, 18 hours 34 minutes. Two earlier attempts were unsuccessful. On the first, owing to the exceptionally low level of water and the failure of the Latécoère concern to warn the pilot, the flying boat hit a tree stump and ripped the hull open. The Latécoère concern was immediately requisitioned by M. Tillon on the grounds of inefficiency and carelessness under private operation. On the second attempt the flying boat developed engine trouble

/over

over Lisbon and had to turn back. Ill-luck has continued to pursue the flight and it is now reported that the flying boat was forced down in Uruguay owing to loss of a propeller which cut through the hull and killed two persons.

HOUSING

21. A large-scale measure intended to relieve the housing situation in Paris, which is particularly difficult owing to the number of refugees from Normandy and to military requisitions, has just been adopted. A census is to be taken of all apartments with a view to ascertaining whether they are fully occupied. A scale for occupation is laid down and occupants of more space than that authorised by the scale will have to pay increased rates. The minimum scale is two rooms for a single person and four for two with one additional room for every person in the household. The mayor of each district may requisition vacant accommodation and instal new tenants.

480

1945

Z

FRANCE

Z 12722

7 NOV 1945

36

Registry Number: Z 12722/103/17

TELEGRAM FROM Mr. Duff Cooper (Paris)

No. 571 Saving.

Dated 13th Nov. 1945.

Received in Registry 14th Nov. 1945

Coal output in France.

Refers to Foreign Office telegram 2582 Saving (Z 12077/103/17) Gives figures for coal output in France for week ending 27th October and for 3 previous weeks.

Last Paper.

Z 12720

References.

Z 12720.

(Print.)

(How disposed of.)

Rptd. Brussels 2705. Hague 1455 Wiston 1330 S. 15 Nov.

(Minutes.)

Rptd. (saving) Brussels, The Hague & W'ton.

I have asked D.T.D. (Mr Lawson) to have the first two forms of this tel. run together and substituted for the first form of Tels tel. on Z 12720 if the latter is printed.

Seen also Z 12720. HD 16/11

(Action completed.) 22/11

(Index.) 10/7/46 JSW.

Next Paper.

Z 12720

REGISTRY

REPETITION OF TELEGRAMS.

37

No. Z 12722/103/17

(Date) 16 11 45

(Despatched) 12.30 P.M.

(1) CYPHER ROOM,
FOREIGN OFFICE.

Please repeat to the posts shown below telegram No. 571 Saving

from ~~Paris~~ Paris dated Nov. 13th

H.M. Amb., Brussels (No. 270 Sav.) 15/11/45

" The Hague (No. 145 Sav.)

" W'Cm (No. 1330 Sav.)

(Signed) F. L. Simpson

(Dept.) Western

(Date) 15/11/45

(2) DIVISION CONCERNED (FOR ARCHIVES).

38

[EN CLAIR] SPECIAL (ECONOMIC SUPPLY AND RELIEF

FROM PARIS TO FOREIGN OFFICE

Z 12722

2

Mr. Duff Cooper.
No.571 Saving

13th November, 1945. R. 4 p.m. 14th November, 1945.

a a a a

Z 12077/103/17

Your telegram No. 2582 Saving.

Coal output in France reached 836,509 tons in the full six days week ending 27th October. This figure, multiplied by 50 (which allows for two weeks annual holiday) equals an annual output of about 41,825,000 tons, or 88 per cent of the 1938 output. The number of men employed underground is considerably more than before the war.

2. Output figures for weeks ending 4th, 15th and 20th October were 804,017 tons, 826,595 tons and 829,404 tons.

3. Please substitute above for paragraph 1 of our Fortnightly Economic Report No.10. Z 12720

4. AULX is plural of AIL, meaning garlic.

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481

Z

1945

FRANCE

Z 12794

17 NOV 1945

34

Registry Number Z 12794/103/17

TELEGRAM FROM Mr. Duff Cooper, Paris.

No. 1287

Dated 16th Nov. 1945

Received in Registry 17th Nov. 1945

Deliveries of German coal to France.

Refers to Paris telegram 1233 (Z 12143/103/17).

Blum Picard has spoken to Coal Adviser about reduced deliveries of German coal to France complaining that Belgium and Holland had more than their quota. He asked for report on failure to deliver.

Last Paper.

Z 12722

References.

(Print.)

(How disposed of.)

(Minutes.)

Copy same as our tel. on Z 12511, which this has presumably crossed. No other action seems necessary.

H.D. Simpson 19/11

Supply & Relief Dept.

General Dept. See also UP 4183

AP 20/11

At a meeting with General Robertson yesterday it was stated that a full report on the transport position is awaiting consideration. On behalf of the Ministry of Fuel & Power, Mr Eaton Griffiths urged that absolute priority be given to the transport question before all other considerations.

E.W. Barnes Mar 24

AP 26/11

(Action completed.) 10/7/46

(Index.)

Next Paper.

Z 12839

2 40

[CYPHER] SPECIAL(ECONOMIC SUPPLY & RELIEF)

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper. D. 8.50 a.m. 17th November, 1945.
No.1287

16th November, 1945. R. 8.55 a.m. 17th November, 1945.

Z 12794
a a a a

IMMEDIATE

17 NOV 1945 Z 12143/103/17

My telegram No. 1233.

Blum Picard asked Coal adviser to see him on November 13th and in the presence of representatives of the British Military Mission spoke bitterly about the reduced deliveries from Germany. During the last two weeks he said only some 22% of Ruhr allocation had been received (these figures have in fact since improved). He asked for intelligible report on the causes of the failure to deliver. He asked further why France was cut down while Belgium and Holland had more than their quota (present figures do indeed show excess deliveries to Belgium and Holland).

2. The situation in France certainly demands that the full quota of coal allocated shall be received and that there should be no appearance of discrimination. At present it seems difficult to find out how many waggons are really available or where they actually are. We feel possible causes of non - delivery (it is certainly not non - availability of Ruhr coal) should be examined. They may be

(a) shortage of waggons,

(b) shortage of train paths,

(c) shortage of locomotives and staff or

(d) failure to surmount the problems of railway management.

5. Military Mission have telegraphed the War Office.

O.T.P.

Supply & Relief Dept.

This only reached me to-day by some reason. Could you possibly let me answer G. N. Harvey's question?

Jean Trouttbeck
21 Mai

Please see Z 12794/103/17. & UR 4164.

Edwards
Mai 24.

42

[CYPHER] SPECIAL(ECONOMIC SUPPLY & RELIEF)

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper. D. 8.50 a.m. 17th November, 1945.
No.1287

16th November, 1945. R. 8.55 a.m. 17th November, 1945.

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(a) shortage of waggons,

(b) shortage of train paths,

(c) shortage of locomotives and staff or

(d) failure to surmount the problems of railway management.

3. Military Mission have telegraphed the War Office.

O.T.P.

F. Duff
What has happened about this? Was an explanation asked for? Has it been received back? If not it should be.
ORM 19/11

482

1945

Z

FRANCE

Z 12839

20 NOV 1945

43

Registry Number Z 12839/103/17

FROM

Mr. Holford-Strevens (Department of Overseas Trade)

Dated to Mr. Simpson F 21284

Received in Registry 16th Nov.1945

20th Nov.1945

Commercial duties at Bordeaux Consulate.

Refers to Mr. Simpson's letter of the 31st October (Z 11746/153/18). Encloses copy of Mr. Fraser's letter of 9th October to Mr. Nairn and of Department of Overseas Trade reply to Mr. Fraser of the 1st November. At present is is for Nairn to recommend provision of extra staff to deal with commercial work at Bordeaux.

Last Paper.

(Z12449) Z12794.

References.

(Print.)

(How disposed of.)

(Minutes.)

M.J.D. 21/11

Mstt 24/11

Personnel Dept.

Consular Dept. JF 26/11

We in Personnel Dept. doubt whether there is any real need for more staff for commercial work at Bordeaux. Mr. Nairn has two good non-career vice consuls and a subordinate staff wh. we are about to bring up to strength by supplying a clerk. We should examine any request for more staff very carefully, but as Mr. H-Strevens says, the next move is for Mr. Nairn.

Mstt 24/11

H.D. 5/12

(Action completed.) Encl. to F.O.

(Index.) 25/11/45

Next Paper.

Z 12940

29082 F.O.P.

DH.

Replies should be addressed to the Comptroller-General, quoting E.21284.

Your reference

Telephone : Victoria 4477
Telegrams : Advantage, Sowest, London

17/11 44

PLEASE AFFIX THIS SLIP TO YOUR REPLY TO THIS DEPARTMENT
Ref. No. E.21284.

DEPARTMENT OF OVERSEAS TRADE
HAWKINS HOUSE, DOLPHIN SQUARE
GROSVENOR ROAD, LONDON, S.W.1

Z 12839
20 NOV 1945

16th November, 1945.

Dear Simpson, 21746

With further reference to your letter of October 31st about the Consulate at Bordeaux, I find that Fraser sent our Establishment Department a copy of Nairn's letter of October 1st and of (Fraser's) reply dated October 9th.

I send a copy of that letter herewith, together with a copy of our Establishment Department's letter of November 1st, telling Fraser that his reply was on the proper lines. You will observe that Fraser's letter suggests that if Nairn cannot cope with his duties on his present staff and knows anybody who would be suitable to help him, his suggestion could be considered. It seems to me, therefore, that the next step is up to Nairn.

We have not written seperately to the Personnel Department of the Foreign Office, but I gather that you are showing the papers to them.

Yours sincerely,

E.J. Holford-Strevens

(E.J.Holford-Strevens).

F.L. Simpson, Esq.,
Foreign Office.

Z 11746/103/17

DH. Copy.

45

DEPARTMENT OF OVERSEAS TRADE,
Hawkins House,
Dolphin Sq., S.W.1.

E.15635.

1st November,1945.

Dear Fraser,

I am answering your letter C.D.17/3/45 of 9th October to Ridler about the staffing needs of Nairn, H.M. Consul at Bordeaux.

We have not yet seen a copy of the circular to which you refer, but so far as your letter to Nairn is concerned, it is exactly on the right lines and just what we should have said had the matter been referred to us. We have an interest in the commercial work at Consulates and we wish it to be performed properly and the Consul to have the necessary staff, but the provision of that staff is a matter for the Foreign Office.

Yours sincerely,

F. Hollings.

A.R. Fraser,Esq., C.M.G., M.B.E.,
Commercial Department,
British Embassy,
PARIS.

DH. COPY.

for D.O.T.

46

Commercial Department,
British Embassy,
PARIS.

C.D.17/2/45.

9th October,1945.

Dear Nairn,

Many thanks for your letter (3779/2999/119) of 1st October about trade promotion. We are just getting off a letter to all Consular posts on this subject and Godfrey has had a talk with Whitfield about staff requirements and prospects and about the conditions in which Anglo-French trade must be carried on to-day.

I am sending home to the D.O.T. your suggestion about the appointment, in the principle Consular posts, of men charged with the duty of looking after our trade interests. There is of course, no hope of the appointment of career Vice-Consuls for the purpose; they are, as I understand, in very short supply. My feeling is that it is the responsibility of the officer in charge of the post to arrange for the commercial work to be carried out and to ask for the necessary staff, if he cannot cope with the staff he has already, according to the volume of work and the probable usefulness of increasing it. I do not, personally, much favour the idea of having men, who, although they are working in a Consulate, are directly responsible to this Department; and one must remember that career Vice-Consuls ought, wherever possible, all to be given the opportunity of doing commercial work, in order to qualify them, if they show a bent that way, for the Commercial-Diplomatic Branch. If,however, you were unable to cope with the work in any other way and you knew of somebody who would be capable of doing it, it might be possible to arrange for a temporary appointment.

I will write to you again when I have heard from D.O.T.

Yours sincerely,

Bryce Nairn,Esq.,O.B.E., R. Fraser.
H.M. Consul,
Bordeaux.

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1945

Z

FRANCE

Z 12940

17 NOV 1945

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Registry Number: Z 12940/103/17

FROM Ministry of Food (communicated)

No.

Dated

Received in Registry: 23rd November 1945.

Argentine tallow for France.

Copy of Amaze telegram 6517 of 14th November to B.F.M.

Gives details of Argentine tallow bought by Baires Mission on instructions from Paris and in excess of quota.

Last Paper.

Z12839

References.

(Print.)

(How disposed of.)

(Action completed.)

3/12

(Index.)

25/6/46

Next Paper.

Z 12980

(Minutes.)

S.A. Dept. 29/11

S. & R. Dept. 27/11

29081 F.O.P.

RECEIVED
17 NOV 1945
FOREIGN OFFICE

MINISTRY OF FOOD

Z 12940
NOV 1945

THIS CABLE MUST BE PARAPHRASED IF COMMUNICATED TO ANY PERSON OUTSIDE BRITISH OR UNITED STATES GOVERNMENT SERVICES

SECRET CABLE OUT

COPY OF CABLE TO BRITISH FOOD MISSION DATED 14. 11. 45.

AmazeX6517

Repeated Buenos Aires Grub X3485 AFX458

Argentine tallow.

French here inform us that that their Baires Mission on Paris instructions have bought 2000 tons tallow at from £1. 15. 0 to £2. 15. 0 per ton above what we paying until they interfered. Against their allocation of 2800 tons we had allocated to them 1000 tons and given them sellers names. This quantity do not propose cancel although it means they will get total 3000 tons. Additionally we had arranged with Pryor allocation further 1000 tons for which Pryor had given us sellers names but we had not passed on to French. This second 1000 tons we have cancelled. Have you no bargaining counter which you can use to make French play fair.

Sent to:-

Sir John Bodinnar
Sir Henry Ridpath
Mr. Broadley
Mr. G.R.P. Wall
Mr. E. Roll
Mr. A.R.W. Harrison
Mr. J.E. Wall
Mr. J.C. Gardiner
Mr. S.H. Moore
Mr. L.E. Randall
Mr. E. Jones Parry
Mr. Amos
I.P. Registry
Miss Hobley
Mr. Starke
Mr. Barter
Mr. L.W. Phillips
Mr. Metcalf
Mr. Watson
Mr. G. Turner
Mr. J.W. Knight
Mr. G.R. Oake
Mr. J.C. Glover
Mr. Barrell

Mr. R. O. Williams
Mr. R. Morrison (NAS)
Major Herbert Smith (Br. Emby. Paris)
Mr. H. V. Cartwright (MEW)
Mr. T.M. Wilson (TREAS)
Mr. C.R. Price (DO)
Mr. R.H.S. Allen (FO)
Mr. J. R. Wraight (FO)
Mr. F. L. Simpson (BO)
Mrs. Davis (SLAO M/PROD.)
Mr. Stopford (WO)
Brig. Dawes (DECA WO)

14. 11. 45. GN/MH-J 19.50. hrs.

1945

Z

FRANCE

Z 12980

7 NOV 1945

49

Registry Number Z12980/103/17

FROM Foreign Office Minute Mr. Harvey

No.

Dated 16th Nov. 1945

Received in Registry 24th Nov. 1945

Proposed visit of Monnet to London.

Discusses Monsieur Monnet's visit to United Kingdom. Sees no objection to Secretary of State seeing Monsieur Monnet and suggests how interview can be arranged.

Last Paper.

Z12940

References.

(Print.)

(How disposed of.)

Dft) Sir W. Eady, Treasury from Sir A Cadogan Nov 25th

Tel) Paris No 1806 Nov 22nd

(Minutes.)

See within

S.A. 29/11

B.U.1/XII

See Z 13112...

A) Sir W. Eady to Sir A Cadogan 15th Nov.

See Mr Hyer Millar's minute within.

H.S. 8/1/46

Ec. Rel. Dept.

The proposed conversation with the S of S never took place. But in view of Mr Monnet's new position, Mr Coulson might be interested to read Sir W. Eady's impression of his views (at back of jacket)

C.F. Coulson 9/1

J Cloke 9/1

H.S. 11/1

(Action completed.) Rec'd 4/12

(Index.) 25/6/46

Next Paper.

Z3006

Nothing to be Written in this Margin.

Z 12980
NOV 1945

Private Secretary.

Please see Sir Alexander Cadogan's minute below.

I see no objection to the Secretary of State seeing M. Monnet if he can spare the time. He has done much good work for us in the past at Washington and is a Frenchman of importance and influence.

I do not think that any question of secrecy need arise. If the Secretary of State is willing to receive him, we could send a message to Sir D. Waley now in Paris to tell him so and suggest that when he is next in London he should let the Private Secretaries know himself direct so that an appointment can be arranged.

agreed G.M.

November 16th, 1945.

Would it not be better to wait until the French internal crisis is over?

P.D.
19/11.

I don't think it need matter. We ought to be talking about French & U.S. economic policy -

G.M. 20/xi

NOTHING TO BE WRITTEN IN THIS MARGIN.

OUTGOING

Secret Telegram

To Ambassador

Paris

No 1806

22 Nov

Cypher

Repeat No 1.

Date 22/11 51

Despatched 8.45 p

Immediate.

Please communicate

enquiry with JEAN MONNET,

Political Minister or tell him that

we understand he is

thinking of visiting London on

his way to U.S.A next week.

If this is the case, the S. of S.

would be very glad to

see him.

If therefore Monnet

does come to London next

week, perhaps

the Prime Minister or

52

arrive so that an

appointment can be arranged.

Yours

NOTHING TO BE WRITTEN IN THIS MARGIN.

53

[CYPHER] OUT DEPARTMENTAL NO.1.

FROM FOREIGN OFFICE TO PARIS

No. 1806 D. 9.45 p.m. 22nd November, 1945.

22nd November, 1945.

a a a a

IMPORTANT

Please communicate urgently with Jean Monnet, Hotel Bristol and tell him that we understand he is thinking of visiting London on his way to United States America next week. If that is the case, The Secretary of State would be very glad to see him.

If therefore Monnet does come to London next week perhaps he would communicate with the Private Secretaries on arrival so that an appointment can be arranged.

O.T.P.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z12980/102/17.

F.R.H.M.

Draft.

Sir W. Eady,

Treasury.

(from Sir A. Cadogan)

24

54

OUT FILE 24th November, 1945.

Dear Eady,

Many thanks for your letter of November 15th about Jean Monnet.

We ~~entirely~~ agree ~~with you~~ that it would be a very good idea if our Secretary of State could see Monnet if he passed through London next week on his way to Washington. We have ascertained that Mr. Bevin would in fact be glad to see him and we have therefore sent a telegram to our Embassy in Paris asking them to get in touch with Monnet at once and to tell him that we understand that he is thinking of travelling back to the U.S. via London. If that is so, then the Secretary of State would be very glad to see him. ~~Perhaps~~ therefore if Monnet does decide to travel via London perhaps he would get into touch with the Private Secretaries at the Foreign Office on his arrival in order to fix ~~up~~ an appointment with Mr. Bevin.

Yours sincerely
Alexander Cadogan

23/XI

55

Foreign Office, S.W.1.

OUT FILE

24th November, 1945.

(z 12880/103/17).

Dear Eady

Many thanks for your letter of the 15th November about Jean Monnet.

We agree that it would be a very good idea if our Secretary of State could see Monnet if he passes through London next week on his way to Washington. We have ascertained that Mr. Bevin would in fact be glad to see him and we have therefore sent a telegram to our Embassy at Paris asking them to get in touch with Monnet at once and to tell him that we understand that he is thinking of travelling back to the United States via London. If that is so, then the Secretary of State would be very glad to see him. The Embassy are to add that if Monnet does decide to travel via London perhaps he would get into touch with the Private Secretaries at the Foreign Office on his arrival in order to fix an appointment with Mr. Bevin.

Yours Sincerely

Alexander Cadogan

Sir Wilfrid Eady, K.C.B., K.B.E.,
Treasury.

Minutes.

M.E. 56
25/6/46.

INDEXED

12480 / 103 / 17

Private Secretary.

The attached letter from Sir W. Eady to Sir A. Cadogan has appeared suddenly on my desk from some unknown source. As you will remember when this letter first reached us about a month ago we suggested that it would be a good idea if the Secretary of State could manage to see M. Monnet; the Secretary of State agreed, and we then sent a telegram to Paris asking them to pass a suitable message on to M. Monnet suggesting that if and when he passed through London towards the end of November he should get in touch with you in order to fix up an appointment. I remember seeing an answer from Paris saying that this message had been duly delivered to M. Monnet but that I think was the last I heard of it. Did M. Monnet ever communicate with you? It may very well be that he never came through London; certainly I never heard that he was here.

H. Dalton

19th December, 1945.

M. Monnet did not get in touch with us.

A.H. 20.XII

Mr. Hankey may like to see his portfolio.

H. Dalton
22.12

Nothing to be Written in this Margin.

Mr. Harvey
Private Secretary.

INDEXED

Miss J. Asquith. Thought I think it might be interesting to see Mr. Monnet. (Thought 57)
I don't think like the Secretary of the business: I must become known to the Minister. what do you think. alg Nov. 16/45

Treasury Chambers,
Great George Street,
S.W.1.

Dear Cadogan, 15th November, 1945.

Jean Monnet came in to see me today for a private talk. I think you know him. In the early part of the war he worked with our Supply Mission in Washington, and at no time have there been many secrets which have been kept from him.

He has been conducting the negotiations in Washington for the clear up of the French Lend-Lease requirements. This has led him into issues of policy which are vital for France and for the development of the French economic situation over the next five years.

He knows that the French Government is likely to be invited at a fairly early date to a Conference in Washington on Commercial Policy which will lead to progressive expansion of world trade. France, for some good reasons, and others bad, was one of the most extreme of the European countries in adopting protective devices for its own economy.

/In

Sir Alexander Cadogan, G.C.M.G., K.C.B.

In Monnet's considered judgment France cannot afford to undertake the kind of liberalised policy for which the Americans have been pressing unless the whole of her internal equipment is modernised. This means a major change in French political thought, and in the distribution within the country of economic effort.

The task, in Monnet's judgment, is quite impracticable unless the Americans are prepared to give financial assistance to France on a large scale over the next five years, and on terms which make it definitely profitable for France to accept the assistance.

I believe that the Foreign Secretary would find it of very great interest to talk to Monnet, who has realistic views about money questions. Monnet believes that France is now at the choice of aligning herself with the kind of economic policy that we and the Americans think about, or relapsing into a closer autarky, and probably leading other countries in Western Europe down the same road.

/If

Treasury Chambers,
Great George Street,
S.W.1.

If I may venture to do so, I should advise that it would be useful for Mr. Bevin to see him. Monnet can only come of course on a private basis, as a man who has worked very closely with the British administration in the early days of the war. He goes back to Paris tomorrow morning, and plans at present to return to Washington in the early part of next week. If Mr. Bevin wished to see him he would come via London.

He is to be found at the Hotel Bristol, Paris.

He made it plain that if an invitation to see Mr. Bevin is to be given to him, it will have to be given privately, and not through the Embassy. He has strong personal views which he wants to put to his own Government, and if he is invited through the French Ambassador, first of all the Ambassador might feel obliged to accompany him, and secondly

24 DEC 1945

60

Monnet would feel constrained in what he says.

If Mr. Bevin would like to see him we can arrange for Waley, who is still in Paris, to deliver a message without embarrassment.

Yours sincerely,

W Strang

4585

1945

Z

FRANCE

Z 13006

25 NOV 1945

Registry Number Z 13006/103/17

FROM F.O.R.D.

No. RRV/36/ii

Dated 15th Oct.1945

Received in Registry 26th Nov.1045

France: External Economic Relations.

Revised draft of paper.

Last Paper.

Z12980

References.

(*Print.*)

(*How disposed of.*)

(Action completed.) FS 2/4/46.

(Index.) 25/6/46

Next Paper.

Z13015

(*Minutes.*)

We have amended paragraph 31 to meet the criticisms of Economic Intelligence Department and attach the revised draft. If there are no comments from Board of Trade, Department of Overseas Trade, Treasury, Ministry of Production and the Commercial Minister (Paris) and the amendment is approved perhaps Western Department would sign the circulation slip attached to the revised draft.

J.P.T. Bury
Research Department.

15th October.

See on Z 13376

H.S. 14/12

RESTRICTED RRV/36/ii

FRANCE: EXTERNAL ECONOMIC RELATIONS.

Summary.

1. Introduction. French foreign trade has always been of considerable world importance but France is far less dependent upon foreign trade than are the United Kingdom and the Low Countries. She normally possessed a passive balance of merchandise trade which was covered before the depression by invisible exports (paras. 1-3).

2. Development of French Trade up to 1929. After the War of 1914-18 French exports profited by the growing industrialisation of the country, by the increased capacity of the iron and steel industry and by the depreciation of the franc. Iron and steel machinery and chemicals took an increasing share of the total export trade compared with the traditional exports of textile manufactures (paras. 4-6).

3. French Trade during the 1930's. With the depression French trade fell sharply and did not share in the recovery felt elsewhere after 1933. Exports were hampered by the disparity between French and world prices and the devaluation of the franc in 1936 was accompanied by social measures which offset its effects (paras. 7-8).

4. Commercial Policy. France has generally pursued a policy of protection. After the last war she effected a large measure of tariff stabilisation and her consequent inability to raise tariffs when the depression hit her in 1931 led to the establishment of quotas, covering all kinds of merchandise. The quota system became her main defensive weapon in conditions of increasing dislocation of world trade (paras. 9-12).

5. Commercial Relations with Germany, Great Britain and the U.S.A. Germany was of great importance to France as a supplier of coal and coke and industrial goods. Coal was France's main import from Great Britain, to which she sent considerable quantities of luxury goods, while the United States was one of her important sources of raw materials. The Tripartite Agreement of 1936 between Great Britain, France and the United States linked the currencies of the three countries (paras. 13-19).

6. Imperial Economic Relations. During the 1930's the contraction of her export markets and the trend towards autarky led France to concentrate increasingly on trade with her empire, which came to constitute between one quarter and one third of her much diminished total trade. Competition between home and empire producers, however, created serious problems. An increased measure of imperial preference was introduced (paras. 20-21).

7. The Pre-War Pattern of Merchandise Trade. Before the depression two-thirds of French exports went to Europe, but by 1938 this proportion was little more than one half, the share taken by Great Britain being particularly affected. Europe's share in French imports declined similarly to the profit of the French empire (para. 22).

8. Other Current Items of the Balance of Payments. Foreign investment, in spite of losses sustained during and after the war of 1914-18, remained an important source of revenue. The

tourist trade and shipping freights were both badly hit by the slump. Reparations payments were important during the 1920's (paras. 23-27).

9. The Capital Items. Long-term foreign investment during the 1920's was mainly designed to strengthen the position of France's allies in Eastern Europe. Short-term capital movements fluctuated violently between the two wars and compromised the monetary situation on several occasions (paras. 28-30).

10. Conclusion and Prospects. From 1940 to 1944 French trade was dominated by Germany and fell to a fraction of what it was before the war. France's capacity to compete in foreign markets has been temporarily much reduced, and she will be faced with a heavy adverse balance of payments for some years to come (paras. 31-32).

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FRANCE: EXTERNAL ECONOMIC RELATIONS

Introduction

1. Since France is one of the great industrial countries of Western Europe, her foreign trade has always been of considerable world importance. In 1928, before the world depression, the value of French trade was approximately 6 per cent of that of the world, and 12 per cent of that of Europe. On the other hand the value of French trade was less than half that of the United Kingdom and was also appreciably less than that of Germany. French exports, moreover, lost ground during the 1930's relatively much more than did those of the United Kingdom or Germany. Between 1928 and 1938 their value declined from about one-eighteenth to about one-thirtieth of the value of world exports.

2. In the second place France was far less dependent upon foreign trade than were the United Kingdom or the more economically advanced small countries of Western Europe, such as Belgium or the Netherlands. In comparison with the United Kingdom or Belgium-Luxemburg, for example, France is less industrialised and far less dependent on imports of food. She has always had a high degree of self-sufficiency in foodstuffs owing to the slower progress of industrialisation, to her relative underpopulation and to a consistent policy of agricultural protection. As a result before 1939 French imports per head of population were less than half those of the United Kingdom or Belgium-Luxemburg and imports were smaller, also, in relation to national income in France than in those countries.

3. France normally had a passive balance of merchandise trade which, before the depression, was covered by the revenues which she derived from invisible exports; although during the 1930's the balance of current payments was almost continuously unbalanced [See Table IV]. "Invisible" exports have always been indispensable in balancing France's current international payments and in 1938, with the shrinkage of merchandise exports, revenue from such sources was as large as that derived from merchandise exports [See Table IV]. Even in 1928 however, revenue from "invisible" exports amounted to slightly more than half that derived from merchandise exports. There were however, marked fluctuations in the relative importance of the different "invisible" items [see Section B]. Just before the war of 1939-45 the most important credit item was interest and dividends which were equal to nearly one half of receipts from merchandise exports.

A. MERCHANDISE TRADE

Development of French Trade up to 1929

4. Between 1815 and the fall of the Orleanist monarchy French trade, hampered by prohibitions and a high level of protection, expanded relatively slowly. During the Second Empire, however, it grew rapidly with the stimulus of a more liberal tariff policy and of growing industrialisation. Under the Third Republic, however, the rate of growth was less rapid. Although its broad structural pattern has not been greatly modified - i.e. France has long imported mainly raw and semi-finished products, and exported mainly manufactured goods - there were, both during the nineteenth century and subsequently, marked structural changes within the broad categories. During the first half of the nineteenth century the pattern of French trade was relatively

simple. Raw textiles for her manufacturing industry predominated among imports, accounting for between one-quarter and one-third of the total, while the export trade was dominated by textile manufactures which accounted at first for nearly one half of it, though by 1870 the share had fallen to about one-third. In the early nineteenth century silk manufactures formed the greater part of the textile exports. During the Second Empire a big increase in raw material imports (including those not hitherto of commercial importance) reflected the growing industrialisation. After the ravaging of the French vineyards in 1877 by the phylloxera disease, France began to import wine mainly from Algeria, and wine exports never regained their former importance. By 1913 imports of raw materials for textiles still constituted as much as one-fifth of the total, but imports of fuel (coal, coke and mineral ores) increased to not far short of one-eleventh of the total imports. The increasing demands of industry were also reflected in the growing importance of machinery, tools and metal goods. The diversification of the export trade had already advanced far; the share of textile manufactures in the export trade had fallen to about one-sixth (or one-fifth including clothing and apparel) by 1913, while the share of silk manufactures, which as late as 1870 accounted for about 20 per cent of all exports, had fallen to 5-6 per cent. On the other hand the products of the capital goods industries - pig iron, iron and steel products, machinery, chemicals, tools, and metal goods, were becoming important exports.

5. After the disturbance of the War of 1914-18 and the post-war reconstruction, the years from 1922 onwards were marked by a considerable expansion of the gold value of exports compared with the pre-1914 period. French exports were aided by two factors: the reconstruction of the devastated northern industrial zone together with the recovery of Alsace and Lorraine, and second and more potent, the decline in the external value of the franc, which gave an abnormal stimulus to exports but discouraged imports and so reduced the normally adverse trade balance. Thus in 1913 exports from France (excluding Alsace-Lorraine) were valued at 6.9 milliard francs, while by 1927 they had reached a total of 8.8. milliard francs of 1913 gold value; there was no corresponding rise in the volume of imports. The post-1918 pattern of French trade showed considerable structural changes which reflected the further industrialisation of the country. The post-1918 growth of industry was stimulated both by the re-equipment with state aid of industrial plants in the war-devastated regions, and by the return of Alsace and Lorraine. The unification of the Lorraine iron ore basin within the French frontier greatly increased both France's iron ore resources and her capacity for pig iron and crude steel production. She also regained the textile industry of Alsace, while the progress of her chemical industry was stimulated by the acquisition of the Alsatian potash mines. The exporting power of certain industries such as iron and steel, chemicals, machinery and tools, and metal goods was thus enhanced. By 1928 the share of this group of products in the export trade had risen to about one-fifth in value, whereas in 1913 it was only about one-seventh. At the same time, while the proportionate share of textile exports had begun to fall off in volume as compared with 1913, exports of the more highly finished textile manufactures had tended to increase and those of the less highly finished to decrease. The expansion of the heavy industries stimulated the demand for coal imports, and the demand for mineral oils also increased, as it did throughout the world. Finally, general economic prosperity led to an expanding demand for exotic foodstuffs and wine. The 1920's can, therefore, be characterised as a period of rapid expansion of French

trade - considerably greater in exports owing to the monetary depreciation - and of a growing importance of the capital goods industries in the export trade, at the expense - largely - of consumers' goods industries. This change in the structure of French exports was paralleled in other industrial countries of Western Europe, largely under the pressure of industrialisation elsewhere.

French Trade during the 1930's

6. The exceptional benefits which French export trade derived from the depreciation of the franc were diminished after its legal stabilisation in 1928 and that year was the high water mark in the volume of goods exported. The volume of imports, however, did not fall off until it was reduced by quotas and other factors after 1930, while the volume of food imports continued to increase until 1931. At the time of the stabilisation of the franc at one-fifth of its pre-war value (see para. 29) France's economic and financial position had been a strong one with a price level (calculated at the new rate of exchange) still considerably below that of her leading competitors; not until 1931 did French economy begin to be seriously affected by the world depression. Successive currency depreciations abroad eliminated the competitive advantage which French exports had hitherto enjoyed - an advantage already diminished as the result of the fall in world prices - and this was particularly serious in view of the magnitude of French exports to the sterling and dollar group countries. While exports in general were impeded by higher French production costs the fall in exports to these countries was particularly marked. Moreover the world economic depression led to the growth everywhere of trade barriers, which had a particularly adverse effect upon French exports because such a relatively high proportion consisted of luxury or high-quality goods. In these circumstances the value of French trade fell sharply after 1929, but, whereas with most countries 1933 marked the bottom of the depression, French trade continued to be hampered by the price disparity and its fall was not arrested. In fact in 1937, a year in which world trade reached a peak, the gold value of French exports had fallen to 29 per cent of that of 1929; total world exports were then 47 per cent of their 1929 good value. The following table shows the course of French trade:

Gold Value of French trade as percentage of 1929

	Exports	Imports
1913	69	72
1929	100	100
1933	36	49
1937	29	44

Imports were reduced during this period both by quota restrictions adopted by the French Government as a means of improving the balance of payments and in consequence of the stagnation of industrial production; in particular the depression in the textile industry led to a decline in the share of textile raw materials in imports. There was little change in the terms of trade (i.e. the price of imports in terms of exports); in 1937 the price of imports was 80 per cent and that of exports 82 per cent of those of 1927.

7. Possessing one of the largest gold reserves in the world, France was never in any danger of being forced off the gold standard, and a widespread fear of inflation precluded voluntary depreciation as a means of inducing economic recovery. A policy of price deflation was accordingly adopted by successive French governments with a view to lowering production costs: these efforts, however, bore little fruit, and up to 1933 budgetary deficits increased. In 1935 under Flandin and still more under Laval the deflationary effort was energetically pursued, at least as regards the fiscal charges, and by a series of drastic decrees administrative costs (salaries etc.) were lowered. By the summer of 1935 the gap between prices in the United Kingdom and the United States on the one hand and France on the other had been very much narrowed, partly owing to a rise in prices in the two former countries, and partly because the deflationary policy pursued in France had at length succeeded in lowering French prices. Subsequently, however, the gap between French gold prices and foreign prices tended to increase again, owing to the policy of raising the prices of agricultural products (whose rôle in determining the level of the cost of living was very great) by means of agricultural subsidies and a further quantitative restriction of imports. As a result, wholesale agricultural prices increased very much faster than elsewhere. The net result of this policy of deflation, however, was to lessen to some extent the price disparity between France and countries with depreciated currencies, though at the cost of continuing economic stagnation.

8. The devaluation of the franc in the autumn of 1936 did not have the expected result of stimulating exports and retarding imports. On the contrary, in 1937, the gold value of imports rose by 11 per cent, whereas that of exports rose only by 2.5 per cent. This was due largely to political factors. The social reforms introduced by the Blum Government had the result of raising prices and production costs and so offsetting the effects which would otherwise have arisen from the devaluation. Political antagonism was also aroused, and industrialists, fearing further monetary depreciation, hastened to accumulate stocks. Because of higher costs, manufactured exports did not advance much, the main export increases being those of raw and semi-finished goods. While manufactured goods suffered from the price disparity and after 1936 from industrial troubles, exports of raw materials were better sustained and derived an advantage from re-armament abroad; in particular, Germany's purchases of raw materials (e.g. iron ore) increased, while the purchases of manufactured goods fell off sharply. Then in 1938 the position of French trade was affected by the world economic recession. The fall in the volume of imports was greater than in that of exports. In current franc values the trade figures were higher because of the further depreciation of the franc, being greater for exports than for imports, but gold values declined. Broadly, during the thirties, France remained economically depressed and trade stagnated until after the devaluation in 1936; thereafter recovery was only partial owing to political troubles and to the world trade recession in 1938.

Commercial Policy

9. During the first half of the nineteenth century France was a highly protectionist country, but under Napoleon III, who much admired Sir Robert Peel, duties on raw materials and foodstuffs were reduced and the famous Anglo-French commercial treaty of 1860 (the Cobden-Chevalier Treaty) was carried through in the teeth of bitter opposition by French industrialists. This marked a reversal of French policy, established a moderately

protectionist tariff, and, under the spur of British competition which it engendered, stimulated industrial development. The policy of freer trade, however, remained unpopular, and, with the establishment of the Third Republic and the general fall in prices, high protection was restored. The seal was set on this new protectionist policy in the Méline tariff of 1892 behind which French industry undoubtedly developed rapidly. After the War of 1914-18 France sought to free herself from the most-favoured-nation clause, of which she had never been enamoured, and denounced her existing commercial treaties. She attempted to pursue a policy based on reciprocal advantages for all concessions granted; but this policy was a failure. It was the Franco-German commercial treaty of 1927 that marked a return to the unconditional M-f-N clause. This treaty had been made necessary after Germany had, in 1925, regained the full tariff freedom of which she had been temporarily deprived under the Versailles Treaty, and was thus in a position to exercise considerable bargaining power. It led to the stabilisation by mutual agreement of a large number of duties. It was followed by further similar agreements, notably with Switzerland and with the Belgium-Luxemburg Union. The new tariff régime which resulted involved, therefore, the restoration of the M-f-N clause which had been at least implicitly condemned in 1919, and the stabilisation of customs duties at their existing level. Indeed during the period 1927/28 France alienated her tariff freedom to a greater extent than any other European country; in 1930 three-quarters of the items on her customs tariff were stabilised by treaty.

10. The beginning of the world depression in 1929 brought this relatively liberal epoch to an end. France was confronted with the problem of an increase in the quantities of goods imported at a time when exports were shrinking and when the revenues from the "invisible" credit items were declining as the result of the economic recession. This led to an increasing disequilibrium in the balance of payments. Already in 1929 France had raised duties on agricultural imports which were not covered by stabilisation of duties, but with the growing volume of food imports due to falling world prices this proved insufficient, and it was impossible to raise tariffs on industrial products because of the existing stabilisation agreements. In these circumstances France in the summer of 1931 inaugurated a policy of quotas established first of all for agricultural products and certain raw materials such as coal, but later extended to cover all kinds of merchandise. The evolution of the French system of quotas is perhaps the most interesting aspect of French commercial policy during the 1930's. Originally simply an emergency measure in the face of an abnormally large volume of imports and the impossibility of raising tariffs, it eventually crystallised into a permanent instrument of commercial policy, although the freeing of tariff duties from the previous stabilisation agreements was eventually secured by a series of negotiations. It thus marks a step towards greater "étatisme", which has parallels in so many countries. The earliest French quotas were "global" quotas (i.e. only the total amount of the quota was fixed); later, increased administrative control was introduced and each quota was divided up on a geographical basis, each importing country being allotted a quota fixed in accordance with the average received in a given (or so-called base) period. Finally in 1934 France endeavoured to use quotas as a bargaining weapon with which to secure concessions from other countries. Under this system only 25 per cent of the global quota was allotted in accordance with the base period formula, the remaining 75 per cent being divided up among countries on the basis of reciprocity (i.e. in return for

concessions). Although there was some opposition to quotas from upholders of economic liberalism, they increasingly became during the 1930's the normal method of controlling imports.

11. The policy of quotas had only a limited success. Although they succeeded in curtailing imports they could not benefit the French export trade. Indeed as quotas normally have the effect of raising prices they contributed to the maintenance of the high cost of living, and consequently high production costs which it was the object of the Government's deflationary policy to reduce and which had led to the stagnation in the export trade. In the second place the quota policy led to reprisals on the ground that the quota was discriminatory in its incidence and incompatible with the M-f-N clause. In particular the attempt by France to use quotes as a means of reciprocal bargaining was resented, especially by Germany and the United Kingdom. Thus France was in some cases obliged to concede in her trade agreements a guarantee that the other country would be allocated its full share of all quotas on the "base period" principle. Moreover there were other difficulties in the way of using quotas in order to obtain reciprocal benefits, for with countries in which France was dependent for vital raw materials or which were of vital importance to the French export trade, bargaining was not possible. Quotas were not therefore very efficacious in assisting the export trade, but they were regarded as the sole effective means of protecting the balance of payments and came to constitute France's main defensive weapon in conditions of increasing dislocation of world trade.

12. Probably the hardest problem in commercial relations during the 1930's was that of securing the payment of international debts, for international payments were impeded by exchange control regulations and quota systems. Consequently France, in order to secure payments to her exporters, was obliged to enter into clearing agreements with exchange control countries. At the same time the total or partial suspension of non-commercial debt payments by her debtors made it necessary for her to utilise the clearing mechanism in order to secure at least part of these payments. However, France managed to dispense with the clearing system to a great extent, substituting for it a more convenient arrangement - known as the payments agreement - which enabled the exact ratio of mutual trade to be fixed beforehand.

Franco-German Commercial Relations between the Wars.

13. Like the United Kingdom, Germany was of great importance to France as a supplier of coal and coke; she also supplied France with the products of her industries, such as machinery, chemicals, and musical and scientific instruments. France exported to Germany both raw materials and consumers' goods; during the 1930's however, owing to the German autarkic economic policy, the export of consumers' goods declined sharply and the greater part of French exports to Germany came to consist of raw materials such as raw wool, hides and skins and iron ore. The exchange of coal and iron ore was of great importance to both countries [See paper on The Iron and Steel Industry of Western Europe].

14. Before 1925 the inequality imposed on Germany by the Versailles Treaty benefited French exports to Germany, for while France was able to protect herself against German imports by means of tariffs Germany was obliged to concede the M-f-N clause without reciprocity. The only commercial agreements between the two countries rested on a short-term basis and related to the delivery of German goods under the reparations clauses of the

Versailles Treaty. Furthermore a temporary customs régime existed during these years in respect of Alsace-Lorraine and the Saar (which was included in the French Customs Union until 1934), under which these territories were permitted to export their products up to a certain quantity to Germany free of duty while until 1924 the Saar was allowed to import from Germany without paying duties. The Franco-German trade agreement of 1927 [See para. 9 above] was naturally more favourable to Germany than to France, since Germany had regained tariff freedom, while after 1931 the depression led to difficulties in the way of mutual trade, especially in regard to French exports of consumers goods.

15. The introduction of exchange control by Germany in 1931 still further hampered French exports, while Germany resented the French system of quotas, which were regarded as discriminatory. In these circumstances commercial relations were strained, and they were not eased by a partial clearing accord concluded in 1932. In 1933 France denounced the 1927 trade agreement. Eventually in 1934 a full and comprehensive clearing agreement was made, which provided for the servicing of Germany's obligations to French creditors in respect of the Dawes and Young loans. Unfortunately the increase in German imports from France, especially raw materials and semi-finished products, rendered the payment of French creditors difficult, and in 1935 France denounced the agreement. A new one was not reached until 1937. Under it the clearings were suppressed and a payments accord substituted. French exports were theoretically to be free within the limits of a global exchange quota fixed monthly by agreement between the two governments. This quota was to be proportionate to the value of imports of German products into France. A ratio was fixed between imports and exports leaving a credit balance favourable to Germany (i.e. imports from Germany were to be greater than exports to Germany). This balance was to be used partly to meet Germany's financial obligations to French creditors and was partly left at the free disposal of the Reich. Within the global quota granted to French exports to Germany the articles were divided into groups in such a manner as to prevent exports of manufactured products or foodstuffs from being penalised to the exclusive benefit of raw material exports. These arrangements provided the model for subsequent agreements, i.e. with certain East European countries and with Italy, Chile and Ecuador in which France replaced clearing by payments agreements.

Anglo-French Commercial Relations during the 1930's

16. The British market has always been of great importance to France [See Table II], especially for luxury products, such as silk manufactures, wine etc.; we also took raw wool, textile manufactures and machinery, and since 1918 iron and steel products. On the other hand France's imports from Britain were until the 1930's much smaller than her exports to this country; coal accounted for about half their total value. The effect on French exports to the United Kingdom of the devaluation of the pound sterling was, therefore, serious for France. Furthermore, commercial relations became strained after 1931. Friction arose as the result of the French policy of imposing an exchange surtax operating so as to wipe out the export premia secured by depreciated currencies, and of using quotas as a bargaining weapon to secure reciprocal concessions. In 1932 the abolition of the surtax in most other cases where it operated and its non-application to the United States after the devaluation of the dollar increased British resentment. In 1933 a tariff war broke out and the United Kingdom threatened reprisals against

French merchandise if the exchange surtax was not abolished. The French complied but at the same time imposed fresh quota restriction on British merchandise which wiped out the advantages that British exporters would otherwise have obtained. While the United Kingdom was to receive in the first instance only 25 per cent of the share of the quotas theoretically open to her, Belgium and the United States were to receive the whole of their shares. The British strongly objected to this discrimination and France yielded so far as to grant to the United Kingdom the whole of her share of the quotas for most articles and 75 per cent for the remainder. The British, however, remained dissatisfied, and in February 1934 imposed a 20 per cent surtax on a number of French articles including silk and leather goods, gloves, clothing etc. This was followed by mutual reprisals until in June 1934 an agreement was reached under which France conceded to the United Kingdom the whole of her share of all the existing or future quotas to which she was entitled under the "base period" formula.

Franco-American Commercial Relations during the 1930's

17. The United States has always been for France an important source of raw materials, especially raw cotton and petroleum; France also imported machinery from the U.S.A. On the other hand French exports to the U.S.A. - which included luxury products such as wine, spirits and millinery, and raw wool and hides and skins - were very much less in value. In 1936 France signed the first commercial treaty concluded with the U.S.A. since 1922. Previously the Hawley-Smoot tariff of 1930 and subsequently the slump in the U.S.A. had restricted French exports to the United States. French quotas, moreover, had reduced the amount of United States merchandise imported into France. The commercial treaty of 1936 constituted part of the Hull programme which, by means of reciprocal tariff reductions, aimed at a greater measure of liberalism in international trade relations (see paper on U.S. Trade and Shipping Interests). The difficulty during the negotiations was that, while the United States favoured the M-f-N clause and permanent tariff reduction, France disliked the former and preferred supplementary (and revocable) quotas. In the treaty France was obliged to concede the M-f-n clause de facto although she would have preferred to benefit from it without having to concede it. Moreover, while the United States remained wedded to the conception of a stabilisation of duties (hitherto embodied in all the treaties concluded under the Hull programme) it accepted on this occasion a fairly short list of guarantees of stabilisations; France also slightly reduced her minimum tariffs on a number of articles of interest to the United States and made certain concessions in regard to quotas. France was granted by the United States important tariff reductions which benefited a wide range of her exports. On both sides the doctrine of "principal supplier" was applied i.e. the concessions were in respect of those commodities for which each country was the principal supplier of the other in order, so far as was consistent with the M-f-N clause, to prevent any third party from benefiting. Finally there was a provision permitting a revision in the event of any variation in the exchange rate. This clause might have been invoked at the time of the depreciation of the franc had it not been for the Tripartite "Gentlemen's Agreement" signed on the 15th September, 1936, which established an alignment of the franc, sterling and dollar (see para. 29).

Multilateral Agreements

18. France was a party to several multilateral agreements between 1930 and 1933 none of which bore fruit, but which were designed to check the growing protectionism throughout the world. In

1933 at the abortive World Economic Conference in London a clash arose between the French thesis, supported also by Italy, that the restoration of monetary stability must precede the application of a liberal tariff policy, and the opposing view held by the U.S.A. and the United Kingdom. The "gold bloc" countries, (viz Netherlands, Belgium-Luxemburg France and Switzerland), however, signed a monetary accord, and in October 1933 reached an agreement relating to the desirability of increasing mutual trade by bilateral agreements, but little was gained and the bloc soon disintegrated. Finally there was the tripartite monetary agreement of 1936 - after the devaluation of the franc - between France, the United States and the United Kingdom, which created a solid link between the three currencies and provided some stimulus to international trade (see para. 29).

Imperial Economic Relations

19. The serious contraction of French export markets during the 1930's and the growing autarkic tendencies everywhere, led France to concentrate increasingly on fostering trade with her empire, in an effort to offset the contraction of her trade with foreign countries. Before the War of 1914-18 the trade of France with her overseas territories had constituted only a little over one-tenth of the total in value. The share subsequently rose, and during the 1930's it came to constitute between one-quarter and one-third of the much diminished total trade. French imperial trade fell in gold value between 1929 and 1937, although there was probably a rise in the stream of imports into France; non-imperial trade, of course, fell rapidly both in gold value and in volume, as described above.

Trade of French Empire as percentage of total French trade

	Imports	Exports
1909/13	11.0	12.9
1929	12.0	18.9
1933	23.7	32.5
1936	28.5	33.4
1937	24.6	28.2
1938	27.1	27.5

This marked growth, which can be paralleled elsewhere e.g. in the British Empire, indicates that, in face of the breakdown of the normal trade channels, France was increasingly dependent on her empire, both as a market for her exports, and as a source of supply. Various circumstances favoured this development. First, trade between France and her empire benefited from an especially advantageous commercial régime. In the second place, just as the price disparity which hampered French exports during the period 1931-36 encouraged a diversion of exports to the empire, so colonial products similarly handicapped had a corresponding inducement to gravitate towards France and were enabled to do so by French restrictions on imports from foreign countries. On the other hand it must not be forgotten that the depression and the fall in world prices of primary products hit the French empire hard and so restricted the extent to which it could purchase French goods, while such of its products as enjoyed world markets suffered not only from low prices but from a competitive disadvantage compared with products of countries with depreciated currencies. The relative growth of French trade with the

empire was in great part due to the disruption of world trade but was also influenced by a tendency towards autarky similar to that which operated elsewhere.

20. The limitations on trade between France and her empire were, however, fairly stringent. The French overseas possessions were poor and at a relatively low level of economic development. Consequently their capacity to absorb French exports was severely restricted; and, apart from Algeria, the largest single market and the most important territory economically, they bought chiefly cotton textiles and other relatively cheap consumers' goods. Equally, the actual extent to which the colonies were able to satisfy French needs was limited, in spite of the encouragement given to the production of commodities of which France stood in need, e.g. rubber from Indo-China, coffee, bananas etc. In only a small range of commodities, such as phosphates from North Africa, cocoa from West Africa and rice from Indo-China, did the Empire enjoy a virtual monopoly of the French market. Colonial products dependent on world markets derived only limited benefits from French imperial preference. Finally several of the most important empire products, such as wine from Algeria and cereals from North Africa and Indo-China, competed with French home production. French wine growers sought to restrict wine imports from North Africa and although France increasingly turned to her empire to make good her deficiency in cereal production, she wished the quantities to be imported annually to be determined by the year-by-year harvest variations in France. This conflict between French and empire producers proved during the 1930's a particularly intractable problem, especially in regard to wine.

21. French colonial policy in the economic sphere was based on the law of 1928, which consolidated a number of previous regulations. Apart from Algeria, which had been included in the French customs area since 1884, French overseas possessions were divided into two groups, assimilated and non-assimilated or autonomous colonies. The first group - Indo-China, Madagascar, Réunion, French Guiana, Guadeloupe and Martinique - enjoyed free trade with France and in principle applied the French tariff to foreign goods. Between France and the autonomous colonies a preferential tariff prevailed except where treaty obligations or the existence of a mandate necessitated the application of the "open door" principle as in Morocco. After 1928 French policy was directed increasingly towards economic integration, and an imperial economic conference held in 1934-35, although largely barren of achievement, marked a new French attitude towards imperial problems. Some positive steps were taken and tariffs in the non-assimilated colonies were lowered to the benefit of inter-imperial trade and raised against the outside world. The power of such colonies to fix their own rates was restricted in order to direct their trade towards France. In 1938 the Government denounced the Anglo-French Convention of 1898 which provided for equality of opportunity in certain West African areas. In 1931 the French inaugurated a policy of taxing certain commodities coming from foreign countries which competed with similar colonial commodities, in order to provide financial aid to colonial producers, but this policy was effective only in cases where foreign imports were large in relation to colonial imports. Finally colonial products were - in general - exempted from the French quota restrictions after their inauguration in 1931, and some colonies were permitted to impose quantitative restrictions on foreign imports.

empire was in great part due to the disruption of world trade but was also influenced by a tendency towards autarky similar to that which operated elsewhere.

20. The limitations on trade between France and her empire were, however, fairly stringent. The French overseas possessions were poor and at a relatively low level of economic development. Consequently their capacity to absorb French exports was severely restricted; and, apart from Algeria, the largest single market and the most important territory economically, they bought chiefly cotton textiles and other relatively cheap consumers' goods. Equally, the actual extent to which the colonies were able to satisfy French needs was limited, in spite of the encouragement given to the production of commodities of which France stood in need, e.g. rubber from Indo-China, coffee, bananas etc. In only a small range of commodities, such as phosphates from North Africa, cocoa from West Africa and rice from Indo-China, did the Empire enjoy a virtual monopoly of the French market. Colonial products dependent on world markets derived only limited benefits from French imperial preference. Finally several of the most important empire products, such as wine from Algeria and cereals from North Africa and Indo-China, competed with French home production. French wine growers sought to restrict wine imports from North Africa and although France increasingly turned to her empire to make good her deficiency in cereal production, she wished the quantities to be imported annually to be determined by the year-by-year harvest variations in France. This conflict between French and empire producers proved during the 1930's a particularly intractable problem, especially in regard to wine.

21. French colonial policy in the economic sphere was based on the law of 1928, which consolidated a number of previous regulations. Apart from Algeria, which had been included in the French customs area since 1884, French overseas possessions were divided into two groups, assimilated and non-assimilated or autonomous colonies. The first group - Indo-China, Madagascar, Réunion, French Guiana, Guadeloupe and Martinique - enjoyed free trade with France and in principle applied the French tariff to foreign goods. Between France and the autonomous colonies a preferential tariff prevailed except where treaty obligations or the existence of a mandate necessitated the application of the "open door" principle as in Morocco. After 1928 French policy was directed increasingly towards economic integration, and an imperial economic conference held in 1934-35, although largely barren of achievement, marked a new French attitude towards imperial problems. Some positive steps were taken and tariffs in the non-assimilated colonies were lowered to the benefit of inter-imperial trade and raised against the outside world. The power of such colonies to fix their own rates was restricted in order to direct their trade towards France. In 1938 the Government denounced the Anglo-French Convention of 1898 which provided for equality of opportunity in certain West African areas. In 1931 the French inaugurated a policy of taxing certain commodities coming from foreign countries which competed with similar colonial commodities, in order to provide financial aid to colonial producers, but this policy was effective only in cases where foreign imports were large in relation to colonial imports. Finally colonial products were - in general - exempted from the French quota restrictions after their inauguration in 1931, and some colonies were permitted to impose quantitative restrictions on foreign imports.

The Pre-War Pattern of Trade

22. The general pattern of French trade was not greatly affected by the War of 1914-18, but was seriously disrupted by the world depression and by the barriers to trade which arose out of it. Thus, whereas formerly two-thirds of French exports were sent to Europe, by 1938 little more than half of them went there. The share taken by the United Kingdom, in particular, was affected by the devaluation of the pound sterling and the tariff war (see para. 17) and shrank very much during the 1930's, although it recovered somewhat after 1936. The fall in the share taken by Germany was similarly very marked. Europe had always constituted by far the most important foreign market for French exports; and, since it was impossible in the circumstances to extend French sales in overseas foreign countries very greatly, France was obliged to recoup herself for her lost markets in Europe by diverting exports to her empire, which thus during the 1930's increased its relative share in the French export trade. Europe was not so outstanding as a source of French imports although important as a source of supply of manufactured goods and of coal and coke, but equally during the 1930's its share of French imports declined. During this period the French empire similarly came to supply an increasing proportion of imports at the expense of foreign countries.

Share in French trade (percentage)

	Imports		Exports	
	1928	1938	1928	1938
Europe	43	34	64	55
Other Foreign Countries	44	39	18	18
French Overseas territories	13	27	18	27

B. OTHER CURRENT ITEMS OF THE BALANCE OF PAYMENTS*

Interest and Dividends

23. Before 1914 the largest "invisible" credit item in France's balance of current payments was the interest and dividends derived from French investments abroad. In 1913 the gross yield of such revenues was over 9 milliard francs (expressed in 1928 gold values), which was about one-third of the value of merchandise exports, and the net revenue from this source was more than sufficient to offset the passive balance on merchandise trade transactions. The subsequent fluctuation in such revenues was considerable. The loss of French investments as the result of the war of 1914-18 and its aftermath (see para. 28) reduced them to between 2 and 3 milliard francs (1928 gold values). During the 1920's fresh investments were made by France; the yield from interest and dividends slowly increased and by 1929 had reached about 6 milliard francs, which was, however, even then only about one-seventh of the value of merchandise exports. The slump led to a sharp fall in their yield, but from 1934 onwards interest and dividends again increased owing to world economic recovery, and in 1938 they amounted to about 4 milliard

* The estimates of the French balance of payments are compiled in such a manner as to refer not to the customs territory of France, but to France and her overseas territories with the exception of Indo-China. Thus the merchandise trade between France and the territories mentioned and the capital issues in France for the account of these territories have been excluded in the statistics quoted in this paper in so far as they refer to items in the balance of payments [See also Table IV].

francs.

Other Services

24. Tourist Expenditure. The tourist trade was of considerable importance to the French economy before 1914, and the expenditure of foreign tourists in France has always greatly exceeded that of French tourists abroad. The net yield from such expenditure is known only imperfectly and estimates vary widely. Before the War of 1914-18 the net revenue from tourists averaged about 3 milliard francs annually. During the 1920's France derived great economic benefit from foreign tourists, especially during the period of the depreciation of the franc - 1921 to 1926 - owing to the low cost of living; the estimates given for the years 1925 and 1926 - the best years - which may have been put too high - give a net revenue of 10 milliard francs, or perhaps one-fifth of that of merchandise exports. Subsequently, however, the tourist trade was severely hit by the slump and the high cost of living in France, and during the 1930's the revenue from tourists fell to a mere fraction of its former level.

25. Shipping Freights, Insurance and Transit. Of these three items shipping freight is much the most important. The income from shipping was generally smaller than that from interest and dividends or tourists, although it was larger than that derived from the diminished tourist industry of the 1930's. Before 1914 the net income from shipping averaged about 1,600 million francs annually. After 1918 there was a considerable increase in the tonnage of the French mercantile marine, and the net income from shipping during the 1920's averaged over 3 milliard francs annually. The growth of the French mercantile marine was, however, less rapid than those of certain other countries, nor was French shipping ever notably efficient. It was assisted by operating subsidies, which during the 1930's amounted in some years to more than £3 million, and a very high proportion of the vessels were old. During the 1930's the slump and the prolonged depression in the French export trade hit French shipping very hard, especially as the percentage of exports carried in French bottoms has always been much higher than that of imports. Subsidies were largely increased, while between 1929 and 1938 the gross tonnage of the French merchant fleet (vessels of over 100 gross tons) fell from 3,379,000 to 2,903,000 gross tons. As the result of the prolonged depression in French shipping, the net income from freights declined and in 1938 only amounted to 1 milliard francs (in 1928 gold values). Payments on account of reparations from Germany also loomed large during the 1920's (they ceased after 1932): during these years such payments in cash together with the value of those in kind exceeded the net revenue from shipping freights. In the years 1927/29 for example, they averaged between 6 and 7, milliard francs annually.

26. Debit Items. Before 1914 the sole debit item of any importance in the French balance of current payments was merchandise imports. During the 1920's, however, Government payments on account of war debts loomed large; they then averaged about 1,500 million francs yearly but diminished after 1928 and ceased altogether in 1933.

27. The expansion of French industry after the War of 1914-18, coupled with the heavy war losses in manpower and the low birth rate, led to a big influx of foreign workers into France. As a result the remittances sent home by such workers - unimportant before 1914 - became of considerable importance during the 1920's, averaging about 2 milliard francs annually. With the slump and the continuance of industrial depression, unemployment and

repatriation greatly reduced such payments, and by 1938 they had fallen to only 250 million francs.

C. THE CAPITAL ITEMS

Foreign Investment

28. Before 1914 France was the second most important creditor nation in the world, having become important as a capital exporting country mainly after 1885. It has been estimated that in 1914 French investments abroad amounted to 45 milliard francs, including 27.5 milliards in Europe, nearly a half of this being invested in Russia. Many of these loans had been placed for political reasons, and in the upheaval caused by the War of 1914-18 and the subsequent defaults more than half were rendered worthless. By 1919 French investments abroad were estimated at only 18 milliard francs (in 1914 gold values). After the war French investors were reluctant to grant long-term loans in view of their painful experiences after 1918; nevertheless there was a resumption of foreign investment after the war, although on nothing like the pre-war scale and much of such capital was repatriated between 1928 and 1933. It is probable however, that much of the capital which sought safety abroad during the period of inflation was either hoarded in the form of gold or left in short-term deposits. After the stabilisation of the franc in 1928 and until 1931 there was a further growth in long-term capital investment on something more like the pre-war scale, but the crisis in the United States in 1929, and later the departure of Great Britain from the gold standard, brought this movement to an end, and led to a reversal of the trends.

French portfolio of Colonial & Foreign Long-term investment, 1933, in Milliards of francs

	Francs Milliards
Pre-war holdings revalued in 1928 francs	35
Capital subscribed to new colonial and foreign issues, 1919-28	5
Capital involved in purchase of long-term foreign securities, 1919-28	10
Purchases of foreign securities and new issues for colonies and abroad 1928-33	22
	72
Less sale of foreign securities, 1931-33	12
Total in 1933	60

Much of the new investment during the 1920's was political rather than purely economic, and was designed to strengthen the position of France's eastern allies - Poland and the Little Entente. The coming of the world depression in the 1930's

brought this renewed investment to an end and although there were very extensive capital movements they were predominantly in short-term funds or gold movements. It is equally certain that during the 1930's French investors suffered heavily from the extensive defaults on foreign loans by debtors, especially in Central Europe.

Capital Movements and Exchange Rates

29. Movements of French short-term capital during the two inter-war decades were very considerable. During the War of 1914-18 the very large import surplus had been financed by British and American credits; and, when these ceased in 1919, the franc fell in value. Subsequently, although in 1920 France had a passive merchandise trade balance of some 20 million francs, she was able to meet this situation and to sustain the value of the franc by means of large private credits from abroad. Between 1920 and 1924 these short-term debts were repaid, but the balance of current payments was adjusted without involving serious difficulties. Unfortunately, however, the budgetary position grew progressively worse as the French government's hopes of financing reconstruction out of receipts from Germany were not realised. Eventually in 1925 this led to an inflationary situation and there was a rapid fall in the value of the franc. This in turn led to a flight from the franc, French capital being exported abroad for safety. The franc, however was ultimately stabilised de facto in 1926, vigorous measures having been taken by the Poincaré administration for the restoration of the finances. It was undervalued in relation to other currencies and, because of the continued efflux of short-term funds from France owing to a desire to escape the high taxation imposed by the budget reforms, this undervaluation was enabled to continue. By the end of 1928 French balances abroad amounted to some 58 milliard francs, of which the Bank of France held about 27 milliards and the Treasury about 10 milliards. Moreover, out of consideration for the interests of other central banks, the Bank of France had hesitated to convert its holdings into gold. But with the legal stabilisation of the franc in 1928 at 124.21 francs to the pound sterling French short-term capital exports ceased. During the next four years these short-term balances were repatriated, and there was a massive inflow of gold, much bigger in scale than the foreign lending undertaken by France during these years. As a result French gold holdings became unhealthily large. There was still further repatriation of what was left of these short-term funds in 1932, while the Bank of France was able to convert into gold what remained of its holdings in foreign exchange. These inward capital and gold movements in 1932 far more than compensated for the progressive withdrawal of the foreign deposits which had sought refuge in France after the devaluation of sterling and other currencies in 1931. Capital and gold movements were on a much smaller scale in 1933 and 1934, but by 1935 the internal credit situation had deteriorated, and exports of capital recommenced. In 1936 the protracted deflation brought about serious social unrest and the withdrawal of capital was accelerated by fears of a left-wing electoral victory and possible devaluation. Between April and June the Bank of France lost more than 21 milliards of gold and foreign exchange. Although the Popular Front government did not wish to devalue, the flight of capital continued and by the autumn devaluation had become inevitable. In October, therefore, the value of the franc was reduced to 105 francs to the pound sterling. This devaluation took place as part of the so-called Tripartite Monetary Agreement of September 25, 1936, an informal agreement between Great Britain

France and the U.S.A., which provided for co-operation in the technical operation of the stabilisation (or exchange equalisation) funds of the three countries. All three governments undertook inter alia to act together in order to avoid "as far as possible any disturbance of the basis of international exchanges resulting from the proposed readjustment" of the franc. The agreement was still in force at the outbreak of war in 1939 despite the further devaluations of the franc in 1937 and 1938 (see below). Owing to dislike of the Popular Front government in business circles, and to the drastic social legislation, especially the forty-hour week, confidence was not restored and the flight of capital from France was not arrested. In 1937 there was a further fall in the franc. Finally the successors of the Blum government embarked on a reversal of the previous policy, aimed at securing business confidence, and in May 1938 the franc was finally stabilised at 179 francs to the pound. This policy proved successful and soon there was a steady repatriation of capital from abroad.

D. Conclusion & Prospects.

30. The acute and prolonged depression during the 1930's tended to hinder what was probably the most significant development in the French economic structure during the two-inter-war decades, namely the growth of industrialisation and in particular of the capital goods industries. The effect of this industrial growth upon France's export trade during the inter-war period was, as has been indicated, considerable. French textiles and luxury goods steadily diminished in relative importance, while the proportion of capital goods exported to total exports revealed a steadily expanding tendency even during the 1930's. In commercial policy France's most important contribution to the new commercial practices of the 1930's was her introduction and development of the quota as a means of regulating and controlling imports. French commercial methods during the 1930's were less novel - and hence less interesting - than those of Germany. Nevertheless the quota system which she initiated did become a very important method of commercial defence during that decade.

31. ~~From 1940 to 1944 French trade was dominated by Germany;~~ practically the whole of France's exports went to Germany and, as with the other occupied countries of Europe, a large clearing balance accumulated at Berlin to the credit of France. The volume of French trade fell immediately to a fraction of what it was before the war, and it declined still more after the cessation of trade with the French overseas possessions. Thus France lost the vast majority of her traditional markets, while the capacity of her industry (whose efficiency had already been compromised by the long depression) to compete in world markets has been still further lessened by war damage and by the impossibility during the war years of replacing out-of-date equipment and even of maintaining plant in fair condition. The economic dislocation of the post-liberation period and the difficulty of returning to an equilibrium of prices and wages, added to the lack of every kind of manufacture and the disastrous shortage of coal, will make an early resumption of exports very difficult, and France ~~will be faced with a heavy adverse balance of payments for some years to come.~~ France's import needs are great in raw materials, manufactures and foodstuffs, while her traditional exports of quality goods will be hindered, as in the 1930's, by the restrictions which most countries will probably place at first on the import of luxury goods. The export possibilities of her iron and steel industry are great, but in order to profit by them France must obtain coal from Germany. Moreover, her invisible

31. From 1940 to 1944 French trade was dominated by Germany; nearly all French non-imperial exports went to Germany and, as with the other occupied countries of Europe, a large clearing balance accumulated at Berlin to the credit of France. The volume of French trade with the outside world dropped to a low level but imports from the African possessions were fairly well sustained until November 1942. Thus France lost a large part of her traditional markets. The capacity of her industry (which had already been affected by the long depression) to compete in world markets has been lessened by war damage and by the difficulty during the war years of replacing out-of-date equipment and of maintaining plant, although certain branches of industry which were developed by the Germans are in satisfactory condition. The economic dislocation of the post-liberation period and the difficulty of returning to an equilibrium of prices and wages, added to the disastrous coal shortage and persistent transport difficulties, make an early resumption of exports very difficult, while the present overvaluation of the franc (200 fr. = £1) will have to be changed before any large-scale export trade is resumed.

exports will be lessened through loss of freight revenue until her shipping losses can be made up, and the lucrative tourist traffic cannot be expected to recover immediately. Reparations are an as yet incalculable factor. France is, however, fortunate in having come out of the war in a better position than the United Kingdom as regards gold and foreign investments.

32. In commercial policy France will clearly be forced to exercise strict control over imports for some years to come, although agricultural specialisation may lead to some modification of the former restrictions on cereal imports. Her general tariff policy will clearly depend on world economic conditions and on international arrangements, but the recent agreement on economic consultation with the Low Countries and the trend of French opinion suggests that France may be ready to conclude regional economic agreements, if possible in co-operation with the United Kingdom.

15th October
~~1st August~~, 1945.

Research Department,
Foreign Office.

TABLE I Principal French Imports and Exports 1935

Imports

A. From Foreign Countries

Total Value (in thous. francs) 15,562,411

Commodities	Percent of total foreign imports	Chief Supplying countries. Share in Imports.
Coal and coke	12.2	U.K. 1/3 + Germany 1/3 + Belgium-Luxemburg 1/3
Raw Wool	7.7	Australia ½ Argentina 1/10 +
Petroleum	7.3	Iraq 1/3 + U.S.A. ¼
Raw Cotton and Linters	6.6	U.S.A. ½ Egypt ¼
Machinery	5.2	Germany 1/3 + U.K. 1/7 Switzerland 1/10 U.S.A. 1/5
Oilseeds	4.1	British India 1/3 Argentina ¼
Fresh, dried and preserved fruits	3.5	Spain 1/3 + Italy 1/10 Spanish Morocco 1/7 and Canaries
Coffee	3.2	Brazil ½ +
Chemical products	2.9	U.K. 1/5 Germany 1/5 Belgium-Luxemburg 1/5 U.S.A. 1/6
Metal Products	2.0	U.S.A. 1/10 Germany 1/3 + U.K. 1/10 Belgium-Luxemburg 1/10
Raw Hides and Skins	2.0	U.S.A. ¼ Canada 1/3
Timber	1.9	Sweden 1/5 Finland ¼ U.S.S.R. 1/5
Woodpulp	1.8	Sweden ½ - Finland 1/10 +

Principal French Exports

A. To Foreign Countries

Total value (in thous. francs) 10,582,807

Commodities	Percentage of total exports to foreign countries	Chief Countries of destination Share taken by.
Iron and steel Products	7.1	U.K. 1/7 - Italy 1/6 Germany 1/7 - Belgium-Luxemburg 1/10 - Switzerland 1/10 -
Raw Wool	6.3	Belgium-Luxemburg ¼ + Germany 1/6 - U.K. 1/6 - Czechoslovakia 1/7
Chemical Products	5.5	Belgium-Luxemburg 2/3 - Switzerland 1/10 + Netherlands 1/10 +
Silk and rayon manufactures	4.1	U.K. 1/3 + U.S.A. 1/10 + Belgium-Luxemburg 1/10 -
Ores of all kinds	4.0	Belgium-Luxemburg ½ Germany ½ -
Machinery	3.9	Belgium-Luxemburg 1/5 + and numerous other countries both in Europe and in other continents.
Raw hides and skins	3.2	Germany 1/5 + U.S.A. 1/5 + Belgium-Luxemburg 1/5 U.K. 1/10 - Netherlands 1/10 - Italy 1/10
Cereals	3.2	U.K. 1/3 + Italy 1/5 - Belgium-Luxemburg 1/10
Motor vehicles and parts	3.1	Belgium-Luxemburg 1/5 - U.K. 1/10 + Switzerland 1/10 Spain 1/10 +
Wine	3.1	U.K. 1/3 - Switzerland 1/10 Belgium-Luxemburg 1/10 + U.S.A. 1/10 +
Tools and Metal Products	2.6	Belgium-Luxemburg 1/10 + Switzerland 1/10 and many other countries.

A. To Foreign Countries (contd.)

Commodities	Percentage of total exports to foreign countries	Chief Countries of destination Share taken by:
Wool yarn	2.1	Belgium-Luxemburg 1/3 Netherlands 1/3 -
Spirits	2.0	U.K. 1/3 - U.S.A. 1/7 - Sweden 1/10 -
Silk and rayon yarns	1.7	Switzerland ¼ Germany 1/7 Argentina 1/10 + Italy 1/10 U.K. 1/10 -
Coal and coke	1.7	Switzerland ½ - Italy 1/6 Belgium-Luxemburg 1/10 +
Cotton yarn	1.5	Belgium-Luxemburg 1/3 + Germany 1/10 + Roumania 1/10 Switzerland 1/10 -

---oooOooo---

B. To French overseas territories

Total value (in thous. francs)

Commodities	Percentage of total exports to French territories	Chief Countries of destination Share taken by:
Cotton Manufactures	12.5	Algeria 1/3 + Tunisia 1/7 Indo-China 1/5 French West Africa 1/10 +
Crude and refined sugar	6.2	Algeria ½ + Morocco 1/3
Motor vehicles and parts	5.9	Algeria ½ - Morocco 1/10 +
Tools and Metal Products	5.8	Algeria 1/3 + Morocco 1/10 + Indo-China 1/10 + Tunisia 1/10
Machinery	5.7	Algeria ½ - Indo-China 1/10 Tunisia 1/10 Morocco 1/10 -
Iron and Steel Products	2.7	Algeria ½ - Indo-China 1/6
Chemical Products	2.6	Algeria ½ +
Vegetable oils (excl. olive)	2.3	Algeria 2/3 +

TABLE II

SHARE IN EXPORTS

Destination by Principal Countries

Per Cent

	1913	1929	1933	1938
Algeria	8.0	9.6	17.6	12.4
United Kingdom	21.3	15.1	9.1	11.6
Belgium-Luxemburg	16.1	14.4	11.6	13.6
Switzerland	5.9	6.8	4.7	6.3
U.S.A.	6.1	6.7	3.6	5.5
Germany	12.6	9.5	9.3	6.0
Netherlands	1.2	2.5	3.1	4.4
Tunisia	1.5	2.0	2.7	3.2
Indo-China	3.0	3.3	2.0	1.2

SHARE IN IMPORTS

Countries of Origin

Per Cent

	1913	1929	1933	1938
Algeria	3.9	5.1	13.6	10.5
U.S.A.	16.6	10.3	12.3	11.4
United Kingdom	13.3	10.0	6.7	7.0
Germany	12.7	11.4	10.3	6.9
Belgium-Luxemburg	6.6	6.7	6.3	6.9
Indo-China	1.2	1.2	2.8	4.1
French West Africa	0.8	1.4	1.3	3.3

B. From French Overseas territories

Total value of Imports (in thous. of Francs)

5,382,840

Commodities	Percentage of total colonial imports	Share probided by chief supplicrs
Wine	21.6	Algeria practically all
Cereals	15.2	Algeria 1/3 Morocco 1/5 Tunisia 1/5 Indo-China ¼
Oilseeds	10.3	French West Africa ¾
Sugar	6.4	Martinique 1/3 - Réunion 1/3 Guadeloupe 1/5
Spirits	5.0	Algeria ½ + Martinique 1/5 Guadeloupe 1/5
Rice	4.0	Indo-China all

To French overseas territories (contd.)

Commodities	Percentage of total exports to foreign countries	Chief Countries of destination Share taken by
Perfume and soaps	2.0	Algeria ½ +
Paper	1.8	Algeria ½ Tunisia 1/5 -
Rubber manufactures	1.8	Algeria ½ - Morocco 1/10 Indo-China 1/10 + Tunisia 1/10

TABLE III

COMMERCIAL BALANCE

	1911/13 average	1934/36 average	1936/37
	In Millions of francs (re-valued in gold-values: 1928 francs)		
France overseas	+ 30	- 919	-2,041
Industrial European countries (U.K., Belgium, Switzerland, Italy)	+ 5,307	+ 564	+ 352
Germany	- 928	- 647	-1,068
U.S.A.	- 2,265	-1,290	-1,475
Other Countries	-10,363	-4,275	-6,360
Balance of Foreign trade	- 8,249	-5,648	-8,552
Balance of external trade, foreign countries + France overseas	-8,279	-6,567	-10,593

* covers France and the French overseas possessions in millions of francs of 1928

TABLE IV

+ = net outward) movement of
- = net inward , capital

BALANCE OF PAYMENTS*

(unofficial estimates taken from Revue d'économie politique)

Current Account (millions of francs of 1928)

	1913	1924	1926	1929	1932	1935	1937	1938
Merchandise	-7,302	+ 400	- 2,000	-19,011	-10,015	- 600	-10,050	-6,100
Insurance, transit, shipping	+1,898	+2,930	+ 3,442	+ 3,600	+ 2,300	+1,600	+1,480	+1,100
Tourists' expenses	+3,571	+6,340	+10,530	+ 8,500	+ 2,500	+ 750	+ 1,300	+1,750
Interests and Dividends	+8,875	+2,904	+ 2,274	+ 5,500	+ 600	+4,000	+ 3,925	+4,200
Remittances of foreign workers	- 148	-2,380	- 2,673	- 2,500	- 1,200	- 750	- 650	- 250
Payments made by French Govt.	-	-	- 2,318	- 600	- 500	- -	-	-
Balance	+6,894	+10,194	+ 9,255	+ 4,489	- 6,315	- 400	- 3,995	+ 120

Capital Items

New capital issues	-	+2,550	+ 1,393	- 900	-1,645	+1,773	+ 1,650	
Repayment and negotiation of securities	+1,948	-	- 1,927	- 2,237	+4,750	-	+ 605	+25
Foreign exchange operations	-	-2,640	+ 1,458	+ 5,297	+17,844	-	-	
Reparations receipts	-	+3,300	+ 3,078	+ 700	-	-	-	
Balance	+1,948	+3,210	+ 3,840	+ 8,860	+20,949	+1,773	+ 2,255	+ 25
Balance of known operations of the balance of payments	+5,682	+8,322	+13,095	+ 4,844	-2,366	+16,375	+ 4,760	-3,095
Invisible capital movements, errors and omissions	exports 5,682	exports 8,322	exports 13,035	exports 4,844	imports 2,366	exports 16,375	exports 4,760	imports 3,095
Gold Movements	imports 3,160	exports 150	-	imports 8,565	imports 17,000	exports 15,000	exports 6,500	imports 3,000

486

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1945

FRANCE

Z 13015

22 NOV 1945

88

Registry Number } Z13015/103/17

TELEGRAM FROM
Mr. Duff Cooper Paris

No. 574 Saving

Dated 22nd Nov, 1945.

Received in Registry } 26th Nov, 1945.

Fortnightly Economic Report No.11.

Covers coal; Food; Agriculature; Industrial situation; French Exports; Trade Agreements; Finance.

Last Paper.

Z13006

References.

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to Del Rptd

Hague 171
Brussels 279
Wlon 1382
Berne 492 Nov 27th

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DEO Neill
Mr Harrison
Mr Enfield P.I.D.

(Action completed.)

3/12

(Index.)

Next Paper.

Z13015

(Minutes.)

Para. 5. With the exception of horses the actual quantity of livestock in France is said to be about the same as before the war. But the shortage of grazing and fodder as the result of four dry summers and no artificials makes the farmer slaughter his livestock before it is properly fattened.

Paras 1 and 2. Before the war France produced about 39,000,000 tons of coal. But she imported about 23,000,000 and is only importing now at the rate of about a fifth

Mr A Smith H/7
Secretariat CCG. 84
W D
Mr Potter Nov 27.

five million. She is therefore still
about 21,000,000 short.

I have had this repeated
(saving) to Brunel, the Hague,
Berne, Washington, pending the coming into force of
the automatic arrangement, which Fl.
Mackenzie is supervising. He
will no doubt advise where
anything further needs to be done
as regards ~~economic~~ distribution
here in London.

Supply and Relief Dept.
Economic Relations Dept.
2/12

AR 27/11

REGISTRY No. [redacted] 2 13015/103/17

REPETITION OF TELEGRAMS.

(Date) 28/11/90

(Despatched) 5.20 p.m.

(1) CYPHER ROOM,
FOREIGN OFFICE.

Please repeat to the posts shown below telegram No. 574 Saving

from/to Paris dated Nov. 22nd

The Hague (No. 171)
Brussels (No. 279)
Washington (No. 1382)
Berne. 492

Paris, Nov 27

(Signed) H Rumbold

(Dept.) Western

(Date) Nov. 27th

(2) DIVISION CONCERNED (FOR ARCHIVES).

2 91

[EN CLAIR] SPECIAL (ECONOMIC, SUPPLY AND RELIEF)

FROM PARIS TO FOREIGN OFFICE

Z 13015

26 NOV 1945

Mr. Duff Cooper.
No. 574. SAVING

22nd November 1945. R. 1.50. p.m. 25th November 1945.

.....

COMPLY

Fortnightly Economic Report No. 11.

COAL

1. Output is still going up and reached 856,650 tons in the week ending 10th November; this represents 90% of the 1938 output. As long as food supplies to the miners and transport facilities can be kept up, there is every reason to hope that output will continue to rise.

2. The French Government have been seriously perturbed by the non-arrival of their allocations of Ruhr coal. After investigations it is still difficult to say exactly where the trouble is, or how it comes about that empty wagons have not been available to load the coal for France, whereas Holland and Belgium have received more than their allocation, which further perturbs the French. Directives have been sent out to all British authorities responsible on the necessity of quick turn-round and quick repairs. General de Gaulle has himself taken up the matter as far as France and French occupied territory is concerned. It is hoped that these directives will have their effect; and, indeed, it is said that arrivals are improving.

FOOD AND AGRICULTURE

3. (Sugar Beet) Although a few weeks ago it seemed likely that the beet harvest might exceed 4,000,000 tons, the beet lifted so far has a low sugar content and it is now certain that the total output will only be some 400,000 tons as compared with 800,000 tons to 1,000,000 tons before the war. Last year nearly 2,000,000 tons of beet were not utilised owing to lack of coal or in some areas to failure to deliver the coal to the factories. This year, however, the beet industry has been allocated 450,000 tons of coal, all of which has been delivered with the exception of 60,000 tons which will be delivered by the end of this month.

4. (Meat) Meat allocations for 1946 are at present under discussion in Washington and France may be allocated 10% of Argentina's 1946 supplies.

5.

5. Following are details of domestic production and requirements presented by the French to C.F.B. -

Production pre-war		Estimated production 1946	
Beef	628,166 tons	Beef	400,000 tons
Veal	302,333 tons	Veal	96,000 tons
Mutton	92,500 tons	Mutton	31,000 tons
Pork	396,666 tons	Pork	120,000 tons
Horsemeat	46,166 tons	Horsemeat	10,000 tons
Total:	1,465,831 tons	Total:	657,000 tons
		Self-suppliers	193,000 tons
		Total:	850,000 tons

6. The French requirements for 1946 have been based on a population figure of 42 millions and a weekly ration of 250 grams. As the population figure is based on the number of ration card holders it is not too reliable and is probably inflated.

Total Civil Requirements including supplement	835,000 tons
Army Requirements	36,000 tons
	871,000 tons
Estimated Domestic Production	657,000 tons
Deficit	214,000 tons

7. (Bread) The French Ministry of Food have made systematic surveys during the last few days in order to ascertain the effects of taking bread off the ration at the beginning of November. As anticipated, in the large towns bread consumption has gone down slightly, owing in some measure to the fact that the Ministry have now authorised the manufacture of "baguettes" (long, thin loaves), the sale of which was forbidden during the war. Bakers are making higher profits into the bargain and both they and their assistants are very satisfied with the new arrangements.

8. In the suburbs and semi-urban districts, however, the position is rather different. Most of the families in the semi-urban communes have gardens and keep a few fowls and pigs. By taking bread off the ration the Government have unwittingly solved their feed problems and enabled them to buy enough bread for their livestock. It is estimated that the increase in the sale of bread in these areas during the last fortnight has been some 15%. If this percentage is maintained or increased even further and the population fails to obey the Government orders not to use bread or bread grains as feed, the Minister intends to reintroduce bread rationing in the defaulting communes and to exercise an even tighter control than hitherto. Monsieur Pineau has warned

/consumers

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consumers on several occasions that bread will only remain unrationed so long as people co-operate with him in restricting their consumption and in not abusing the removal of rationing.

9. In the country the supply position remains unchanged. Here a large proportion of purchasers were "échangistes"; that is, they did not draw a bread ration but gave their own flour to the baker for baking. Since the de-rationing of bread they have realised that it is more profitable for them to buy ready-made bread at its present low price and sell their own flour to the Ministry at 700 frans a quintal, thus receiving the benefit of the subsidy. The result is that while there is an appreciable increase in the sale of bread in country districts this increase is balanced by a proportionate increase in the amount of flour delivered to the Ministry. On the whole the Ministry of Food is satisfied with the situation as it is at present but emphasises that the position may yet deteriorate if France's full import requirements are not met in full and delivered promptly.

INDUSTRIAL SITUATION.

10. Although coal production continues to be satisfactory, the difficulties in regard to supplies from the Ruhr have compelled a reduction in the allocations of coal to industry for November of about 6%, but in some industries the percentage was higher. In particular, coal supplies to the textile industry have been cut by some 23% and it is reported that some factories will have to close. There is, however, ground for hope that it will not be necessary to maintain these cuts for more than a short period.

11. Electricity supply, which had improved after rain in the Alpine region, is again a matter of concern on account of reduced output and increased demand. Paris is once again suffering intermittent interruptions of its electrical supply and it has decided to continue daylight-saving over the winter in order to economise electricity.

12. The principal immediate concern of industry, however, is the shortage of railway wagons, which are inadequate even for the present low level of industrial activity. The railways are taking steps to avoid unnecessary diversions and to speed-up wagon turn-round; but it is clear that the problem will continue to be serious throughout the winter, always the most difficult time for transport.

13. In the iron and steel industry production in October increased notably over September and 25 blast furnaces are now reported to be in operation whilst another four are to be relit as soon as coal supplies arrive. Coal allocations have actually been increased since September, but through difficulties over supply from Germany the allocations have not in fact been met.

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14. Engineering continues to suffer from shortages of steel and coal and fears are expressed that the running down of stocks of steel will have serious repercussions on the future activity of the industry, which also is confronted with the cessation of allied orders on Mutual Aid and of orders for service requirements.

15. In the textile industry, the wool-combing factories of Roubaix-Tourcoing are reported to be producing at about 75% of the pre-war output and the worsted spinning mills at 55%; but there was a slight decrease in the output of woollen yarn in October. Weaving which has hitherto been in the doldrums owing to the time taken for raw wool to be spun, is now receiving supplies of yarn and is producing at about 35% of pre-war; it is hoped to reach 50% by the end of the year. The major part of the production has, of course, hitherto gone to satisfy military requirements, but these have now been reduced to 15% of output; nonetheless, it will be some time before there is any noticeable effect on quantities available for civilian consumption. The industry, in common with all others, suffers from shortage of raw materials and the age of its plant. It is estimated that the price of new woollen goods will be something like 300 to 400 francs a metre, which will mean 700 or 800 francs retail.

16. Figures of production of clothing in the first six months of 1945 have now been published and are as follows:-

Overcoats	75,000	
Suits	782,000	
Dresses	720,000	
Women's coats	107,000	
Work clothing	1,236,000	
Shirts, aprons, etc.	1,315,000	
Men's underwear	3,490,000	articles
Women's underwear	2,400,000	"
Layettes	1,739,000	"

17. Chemical industries continue to suffer from want of raw materials, but their greatest problem is transport; wagon allocations for November are only 50% of requirements. Output of soap is now about 20% of its pre-war level, although toilet soap is almost at the pre-war level, whilst shaving soap, oddly enough, is at twice the pre-war figure.

FRENCH EXPORTS.

18. The Minister of Finance recently asked us, in a somewhat insistent manner, what could be done to increase United Kingdom purchases of French products, including luxury goods. He was told that the Treasury and Board of Trade were already considering the possibility on the basis of a list of products which the French would like us to take. He was also told that we were at the moment negotiating, or about to negotiate, for purchases of wine, steel scrap and rosin, but that price difficulties stood in the way and other objections were raised by the suppliers.

/TRADE AGREEMENTS

TRADE AGREEMENTS

19. It is reported that the French and Italian Governments are about to begin negotiations for the restarting of normal financial and commercial relations. So far the only transactions have been purchases made by French official missions, which have been negotiated at the rate of 1 franc for 2 lire. The difficulty of deciding the appropriate rate of exchange is likely to prove a serious impediment to the conclusion of any agreement.

20. A trade and payments agreement covering a period of six months was signed with Czechoslovakia at the beginning of this month. France will export phosphates, bauxite, machinery, dyestuffs and Colonial products to a value of Francs 396 millions. Czechoslovakia will export hops, malt, timber, seed potatoes, paper, coke, coal tar and glassware. All transactions are to be in francs.

FINANCE.

21. It is reported that total budget expenses for 1945 will amount to 439 milliard francs (of which 166½ millard for the services). Receipts are estimated as likely to reach 182 milliard.

22. Civil servants and army personnel have been relieved of the obligation of forced saving imposed on them at the beginning of this year and the sums retained under the arrangement can be reclaimed immediately.

23. In January last the Cartel of Unions of minor civil servants (which include postmen, temporary clerks, etc). demanded for their members a basic salary of 42,000 francs a year. Some hundreds of thousands of employees are concerned. At the general revision of civil service salaries which took place in February, they were granted a basic salary of 36,000 francs. This revision is said to have benefited the senior more than the junior grades, and in view of this and of the continuing rise in the cost of living, the Unions have for some months been pressing for a monthly indemnity of 1,000 francs pending another revision. The Minister of Finance has now announced that in towns of more than 70,000 inhabitants, salaries will be increased by 4,800 francs a year, and in towns of less than 70,000 but more than 2,000 inhabitants by 2,400 francs a year. For officials residing in places with less than 2,000 inhabitants there is no rise. This increase is limited to employees receiving less than 48,000 francs a year (52,000 francs in Paris).

24. The Minister maintained that this increase, taken with the recent raising to 40,000 francs of the level at which income tax becomes payable, met the Unions demand as to two-thirds. The Unions pointed out in reply that the rise in the income tax minimum level applied to the whole population and could not, therefore, be regarded as even a partial settlement of their claims.

25. The award is unacceptable to the Unions who are seeking the assistance of the General Confederation of Labour, and are ventilating their grievances at meetings in Paris and the provinces. Their leader has said, however, that there is no question of a strike before the new Government has been formed. The attitude of the Press is generally sympathetic to the Unions' demands.

Repeated to His Majesty's Consular Officers in France No.76 Circular Saving.

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1945

Z

FRANCE

Z 13112

29 NOV 1945

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Visit to London of Monsieur Jean Monnet

Registry Number: Z13112/103/17

TELEGRAM FROM

Mr Duff Cooper Paris

No. 1316.

Dated 28th Nov, 1945.

Received in Registry 29th Nov, 1945.

Refers to Foreign Office telegram 1806 (Z12980/103/17) Jean Monnet is travelling to London soon and will telephone Private Secretaries.

Last Paper.

Z13015

(Minutes.)

References.

Private Secretary. S.R. 29/11

He has not yet been in touch with us.

I.K.B. 29.XI

Seen by Sir D. Rumbold

D.R. 1/12

(Print.)

(How disposed of.)

(Action completed.)

Fo J 11/12

(Index.)

25/6/46

Next Paper.

Z13206

29082 F.O.P.

98

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Z 13112

[CYPHER] DEPARTMENTAL NO.1.

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper
No.1516
28th November, 1945.

D. 5.00 p.m. 28th November, 1945
R. 5.50 p.m. 28th November, 1945

* * * *

IMPORTANT

Your telegram No.1806. Z 12980/103/17

Jean Monnet is travelling to London soon and will telephone Private Secretaries as requested.

OTP.

1945

Z

FRANCE

Z 13206

1 DEC 1945

99

Registry Number Z13206/103/17

TELEGRAM FROM

Mr. Duff Cooper

No. (Paris) 1321

Dated 30th Nov. 1945

Received in Registry 1st Dec. 1945

German coal for France.

Refers Paris 1320 (E 9312/8/89).

Minister for Foreign Affairs and Monsieur Massigli have expressed anxiety with regard to coal situation and failure to provide France with coal from Germany. Monsieur Massigli suggested appointment of certain number of experienced European railway officials.

Last Paper.

Z13112

References.

(Print.)

(How disposed of.)

Copied - Private Secy., W°. 10.

Dec 5.

(Action completed.)

Dec 1/1946

(Index.)

10/7/46

Next Paper.

Z13207

(Minutes.)

Made Special (E.S. & R.) and copied Private Secy., No. 10.

See on Z 13208.

H.R.

5/12

3 Feb

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Z 13206

[CYPHER] DEPARTMENTAL No. 2.

1 DEC 1945

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper
No: 1321
30th November, 1945.

D. 4.00 p.m. 30th November, 1945.
R. 4.08 p.m. 30th November, 1945.

11111

FO 9312/8/89

My immediately preceding telegram.

Both Minister for Foreign Affairs last night November 29th, and M. Massigli this morning, expressed great anxiety with regard to the coal situation and failure to provide France with coal to which she was entitled from Germany.

2. Massigli suggested that our officials were not accustomed to dealing with international railway problems, and that the appointment of a certain number of experienced European railway officials would make all the difference. He had been informed that some of our own authorities considered that it was possible to increase the supply of coal from Germany to France by 400,000 tons a month.

O.T.P.

2 191

AMENDED DISTRIBUTION (3/12/45).

[CYPHER] SPECIAL ECONOMIC, SUPPLY & RELIEF.

FROM PARIS TO FOREIGN OFFICE.

Mr. Duff Cooper. D. 4.00 p.m. 30th November, 1945.
No. 1521.
30th November, 1945. R. 4.08 p.m. 30th November, 1945.

5 3 5

Both Minister for Foreign Affairs last night November 29th, and M. Massigli this morning, expressed great anxiety with regard to the coal situation and failure to provide France with coal to which she was entitled from Germany.

2. Massigli suggested that our officials were not accustomed to dealing with international railway problems, and that the appointment of a certain number of experienced European railway officials would make all the difference. He had been informed that some of our own authorities considered that it was possible to increase the supply of coal from Germany to France by 400,000 tons a month.

(OTP)

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Z

1945

FRANCE

Z 13207

1 DEC 1945

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Z13207/103/17

Registry Number Z13207/103/17

TELEGRAM FROM

Mr. Duff Cooper (Paris)

No. 1323

Dated 30th Nov. 1945

Received in Registry 1st Dec. 1945

Coal situation.

Monsieur Thorez at lunch on 30th November stressed urgency of coal situation. He said that unless there was an improvement in supplied all factories in France except those with permanent heating would have to reduce work to 3 days a week. Any help given by Great Britain at this time would not be forgotton.

Last Paper.

Z13206

References.

(Print.)

(How disposed of.)

Amended Distribution

(Minutes.)

Made Special (S.L.A.) and subsequently Special (Econ., Supply & Relief) dist.

See on Z 13208.

A.R.

5/12

(Action completed.)

(Index.)

Next Paper.

Z13208

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AMENDED DISTRIBUTION (1ST DECEMBER 1945)

[CYPHER] SPECIAL (S.L.A.)

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper.
No.1525 D. 4.15 p.m. 30th November 1945

30th November 1945. R. 5.15 p.m. 30th November 1945

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Z 13207

1 DEC 1945

IMPORTANT

M. Thorez who lunched with me today impressed on me urgency of coal situation. He said that unless there was an improvement in supplies all factories in France except those which have permanent heating would have to reduce work to three days a week. At this moment when industry is beginning to improve psychological effect would be disastrous. He compared it to the effect that would have been produced a year ago had Strasbourg been abandoned as General Eisenhower then desired - a great disappointment arriving just when the people were recovering hope.

2. He said that if Great Britain could give France any assistance in this question of coal at this moment it would never be forgotten.

O.T.P.

[CYPHER] DEPARTMENTAL NO.2

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper
No. 1525 D. 4.15 p.m. 30th November, 1945

30th November, 1945 R. 5.15 p.m. 30th November, 1945

Z - Z - Z

IMPORTANT

Monsieur Thorez who lunched with me today impressed on me urgency of coal situation. He said that unless there was an improvement in supplies all factories in France except those which have permanent heating would have to reduce work to three days a week. At this moment when industry is beginning to improve psychological effect would be disastrous. He compared it to the effect that would have been produced a year ago had Strasbourg been abandoned as General Eisenhower then desired - a great disappointment arriving just when the people were recovering hope.

2. He said that if Great Britain could give France any assistance in this question of coal at this moment it would never be forgotten.

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105

Z

1945

FRANCE

Z 13208

1 DEC 1945

Registry Number Z13208/103/17

TELEGRAM FROM

Mr. Duff Cooper (Paris)

No. 1329

Dated 30th Nov. 1945

Received in Registry 1st Dec. 1945

Coal and Electricity Situation.

French Minister of Industrial Production, Marcel Paul, made statement on 30th November on coal and electricity situation. He spoke of delays in receipt of coal from Ruhr. Desctibes press comment on delays and reply given to protest by Mlle. Eve Curie.

Last Paper.

Z 13207

References.

(Print.)

(How disposed of.)

copies - Col. Woolrych (M of F. & P) Dec 4

(Action completed.) 5/12/46

(Index.) 10/12/46 JDW.

Next Paper.

Z 13208

(Minutes.)

Copies to Col. Woolrych, M. of F.

See also Z 13206 and Z 13207.

Arrangements had been made for M. Paul, Minister of Industrial Production, to visit London at the beginning of this week to discuss this whole question of the delay in the delivery of the Ruhr coal to France with Mr. Shinwell and Mr. Hynd. The visit has, however, been postponed or cancelled by the French on the ground that General De Gaulle has decided to take the question up himself "on a high level". According to the press, the General intends to send a personal message to the Prime Minister and it is possible that this message may be delivered to us within the next day or two by the French Ambassador who has just returned from Paris. Whether General De Gaulle does send such a message or not, we may expect M. Massigli to launch another attack on us very shortly.

2. The French have some grounds of complaint although they are not justified in linking our failure to improve the transport situation with our differences of opinion about a centralised German Administration. It is, however, characteristic of the French to read a sinister motive into our failure to deliver the coal in the proper quantities. Their legitimate grounds of complaint are twofold. In the first place, the quantity of coal scheduled for export by the Inter-Allied Economic Directorate has been reduced from 1,200,000 to 900,000 tons a month because we were unable to resist the demand suddenly put to us by the Russians that the amount of coal exported from the Ruhr to the Russian zone should be increased by 300,000 tons. We have already answered the complaint made to us by the Embassy on this point in our memorandum in UR 4164. Mr. Warner points out in his minute on UR 4183 that we would not have been justified in resisting the Russian demand which is fairly based on the Potsdam Agreement, but the alacrity with which we did so without attempting to argue it cannot have made a very favourable impression on the French,

although .....

.....

Z 13206

although it is true that their representatives in Berlin did agree to this reduced allocation ~~though~~ his agreement was not endorsed by his superiors in Paris. A better answer to the French on this point ~~which refers to the Potsdam Agreement~~ is the one which we tried to make in our memorandum in UR 4164 i.e. that a reduction in the allocation of exportable coal makes no practical difference to the French because until the transport problem has been solved it ~~has~~ will not even be possible to carry away the coal which has already accumulated at the pits for export.

3 Their second and more substantial cause of complaint is that though the tonnage brought into France has risen in the second half of November, and although there has been a slight improvement in the transport situation, France nevertheless only obtained during the whole month 63% of the coal allocated to her by the E.C.O. when other countries received on an average 80% of their allocations. The reasons for this failure have not yet been properly ascertained but the generalisation made by the Paris correspondent of the Manchester Guardian is probably not far off the mark. He wrote in his despatch of 29th November that the British Military Administration, which "is faced in the Ruhr with one of the most difficult problems of management and direction in the world", "is working without the stimulus of war and without the elasticity of a business organisation". Mr. Eaton Griffiths, to whom I have spoken about all this, goes so far as to say that in his opinion our authorities in the Ruhr have not only been inefficient but have in some cases shown a positive unwillingness to help. M. Massigli may have been right in suggesting that our officials in the Ruhr were not accustomed to dealing with international railway problems and that the appointment of a certain number of experts and railway officials would make all the difference. Our authorities in the Ruhr have hitherto tried to shift the blame on to the French by saying that the French do not return the empty wagons. In his letter to me of November 5th, Brigadier Simner, who was the controlling authority at this end before Norfolk House started, wrote that "if it is a fact that there were an adverse balance from the British Zone to France of no less than seven thousand wagons in a fortnight, it is scarcely surprising that the French are not getting their coal." I do not know whether they continue to maintain that this loss of wagons is the principle cause of the break-down of transport, but whether they do or not I have no doubt that the French themselves may also be partly to blame. Brig. Simner promised us over a month ago to produce a report on the whole subject. This has now been received in Norfolk House, but I understand that it throws no more light on the whole situation. E.C.I.T.O. have also been holding meetings during the last few days in Brussels and in Essen to see if they could find out where the trouble lay, but so far as is know in London they too were not very successful.

Actually the figure is 69% for Nov 1-27 inclusive.
TW Dec 6.

4 Meanwhile, the authorities in Norfolk House and the Ministry of Fuel and Power have received a visit yesterday from three officials of the French Ministry of Mines. An account of this meeting is contained in a draft telegram to the B.A.O.R. within this jacket. It will be seen that the French are pressing for a meeting to be arranged in London in the near future where their complaints could be aired and where the whole transport situation in the British Zone, so far as it affects coal export, could be examined with the help of experts from the whole of Germany. Norfolk House are anxious that such a meeting,

.....

if held.....

Flag A
x this tel has now been despatched - see Z 13471

NOTHING TO BE WRITTEN IN THIS MARGIN.

if held, should be held under Foreign Office Chairmanship. To my mind this would be entirely wrong because it would lend colour to the French suggestions that our failure has a political background. I think it would, however, be a good idea if a meeting could be held. The proper Chairman would be the Chancellor of the Duchy of Lancaster, and I would suggest that whether or not we receive a high-level communication from the French within the next few days, the Secretary of State might write to Mr. Hynd supporting the idea of a meeting and suggesting that he, Mr. Hynd, should preside.

5 If the French Ambassador mentions the matter within the next day or two, he might be told of this proposal for a meeting of experts, and he might also be remonstrated with for the suggestions which appear in the French press that these failures on the part of our authorities in the Ruhr conceal an attempt on our part to bring pressure to bear on the French on other issues.

6. The French Embassy have already suggested to us (UR 4512) that more attention might be paid to the advice given on the Ruhr by the French Coal and Transport Liaison officers, and it might be suggested that before the French ask us the reason for failures of this kind, they ought first to find out whether the explanation cannot be provided by their liaison officers. These suggestions are not really very useful because the liaison officers are apparently all very junior, and have not hitherto been welcomed into the inner councils of our authorities in the Ruhr. They cannot therefore know very much of what is going on.

(It has been suggested to Norfolk House that they ought to find out how the liaison officers are getting on (UR 4512)

A. Rumbold

5th December, 1945

Supply & Relief Dept.

We agree generally. We clearly have not enough information on which to judge the French case and the best solution would therefore be a meeting at which British representatives from the Ruhr could answer the French complaints. I had originally thought

NOTHING TO BE WRITTEN IN THIS MARGIN.

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I wonder there would be advantage in having the meeting under Foreign Office Chairmanship as Norfolk House are, to some extent, parties to the dispute, but defer to Sir G. Rumbold's view that the meeting should be at Norfolk House.

(The draft telegram to Berlin has now been despatched.) — Flag A

E.M. Warner
Dec 6.

See also now the page flagged D.

H. Rumbold 6/12

I saw M. Paris of the French Embassy last night. He told me that the French authorities had been well satisfied with the result of the discussions which their mining officials had had at Norfolk House. The French Embassy were on the point of sending us an official note requesting that a further meeting of the kind suggested in paragraph 5 of the telegram at Flag A should be summoned in London. M. Paris did not think that it was likely that M. Massigli would want to discuss the matter further with the Secretary of State for the time being at all events.

Since however there has been a good deal of publicity given to this question of coal for France, the Secretary of State may like to know the position. Perhaps he would authorise us, when we get the French Embassy's formal request for the meeting, to draft a letter for him to send to the Chancellor of the Duchy of Lancaster supporting the idea

of a .....

NOTHING TO BE WRITTEN IN THIS MARGIN.

of a meeting and asking Mr. Hynd to preside over it.

6th December, 1945.

The official note referred to by M. Paris has now arrived and is attached at Flag B (but when action has been completed on the present paper this should be entered "Z"). A copy of the note was communicated by the French direct to the Chancellor of the Duchy of Lancaster and the latter had a preliminary talk about it with M. Massigli this morning. I umderstand that Mr. Hynd has agreed to summon and preside over a meeting of the kind proposed by the French. To clinch the matter, however, the Secretary of State will perhaps care to address a letter to Mr. Hynd in support of the idea. I attach a draft.

I have under-lined the main points in the note and its enclosure. The enclosure recites the facts more or less as they were known to us already, the only new points being (see paragraph 5) that according to the French, our authorities in the Ruhr deliberately decided to suspend deliveries to France for a period on the ground that the French had failed to live up to their side of an agreement about the return of ~~the~~ wagons; the French maintain that apart from the impropriety of this decision, even if the alleged failure of the French had in fact occurred, their information is that so far from not living up to their undertakings, the French had actually done more than they had undertaken to do and ~~they~~ had sent more wagons than they need have done into Germany. The note contains three requests, (i) that E.C.O. should continue to put the supply of coal to France ~~on a priority~~ on a priority basis; (ii) that there should be a meeting in London under Mr. Hynd's chairmanship to get to the bottom of the transport dispute, and (iii) that when the transport difficulties have been solved and the arrears made up, the control authorities should try to raise the amount of the German coal allocated for export (as incidentally we promised that they would try to do in our note to the French of 27th November in UR 4164).

H. Rumbold

7th December, 1945

Supply and Relief Dept. again.
(9.a.)

Now see further minute 2 (Z 13422) 8.12.

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Z 13208

[CYPHER] SPECIAL (ECONOMIC (SUPPLY AND RELIEF)

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper, D. 10.51 p.m. November 30th,1945.
No.1529
November 30th,1945. R. 12.15 a.m. December 1st,1945.

Q Q Q

IMMEDIATE

French Minister of Industrial Production Marcel Paul made statement this morning November 30th before the Council of Ministers on the coal and electricity situation, in the course of which he is reported to have said among other things that apart from American strike "mysterious happenings" in the Ruhr account for failure to receive coal allocated to France. Under caption "promises which have not been carried out" Paris Presse remarks that whereas deliveries are arriving from the Saar which is under French control arrivals from the the Ruhr which is under British comtrol are heavily in arrears.

2. Paris Herald Tribune November 29th reports statement by Byron Price in Washington November 28th to the effect that it is the opposition of the French to some kind of centralised control in Germany which is causing the United States Government to consider whether "to abandon its major attempt to rule a conquered people". Today's Paris Daily Mail says that "sharp fall in deliveries of Ruhr coal is regarded in some quarters in Paris as part of a pressure campaign with which declarations of Byron Price and Eisenhower fall into line" and it is certain that this rumour is current in Paris.

3. We have seen Mademoiselle Eve Curie of Paris Presse and given her some facts. We have pointed out that first of all it is not allocations of coal to France that are in deficit but means of transport, external and internal. Whereas the American coal strike interfered with shipments every effort is now being made to catch up. Deliveries from England are on time and so are deliveries from the Saar. The real trouble is therefore indeed the failure of arrivals from the Ruhr. As to this we assured Mademoiselle Curie that it is purely question of organisation, lack of waggons and so forth. There is no truth whatever in any rumour to the effect that we are putting any pressure on the French by withholding deliveries. To assume that Byron Price's speech and shortage of deliveries coming at the same time are associated involves a mere post hoc assumption.

4. Mademoiselle Curie was going on to the United States Embassy where no doubt she will be told the same thing.

OTP

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To: BERCOMB

Info: CONCOMB

4th December, 1945.

We received today a visit from three officials of the French ~~Ministry of Mines~~ Supply Mission in London who complained about coal supplies to France from the Ruhr.. They agreed that the present bottleneck is transport and not coal production but pointed out that in November, in spite of the high priority allotted to her by E.C.O. she only received 69% of her allocation, which is substantially lower than that received by any other country. They were also seriously perturbed by the large reduction as compared with November in the quantities to be carried throughout by rail and pointed out that the corresponding increase in I.W.T. was no real compensation since the waterborne imports take three to four weeks longer.

2. The above points were put forward this morning by the French to E.C.O. which agreed that in view of the exceptionally serious coal position in France they would inform the military authorities in Berlin that contrary to normal practice the arrears in the French November allocation would be carried forward to December, and ask that as an interim measure the rate of throughout rail shipments to France during the last 10 days in November should be maintained.

3. We were asked by the French officials to telegraph to you supporting the E.C.O. resolution and this we promised to do. We pointed out however that the throughout rail movements for export in December would be smaller than November and we did not think that it would be possible for you to maintain the end November rate to France for long without seriously reducing quotas to other countries. If this was to be avoided ~~and~~ shipments to France maintained additional wagons would be necessary. The French though agreeing in principle with this statement, seemed reluctant to o fer more wagons until the argument has been cleared up on whether France has or has not returned to Germany all the wagons that she has received. They did eventually admit that if you could make them a firm offer of additional coal against wagons to an amount of about 100,000 tons it would be helpful.

4.

4. The Foreign Office are anxious to do everything possible to assist the French at this juncture particularly on account of the shortage of electric power and the reduction in programmed coal imports from America. It would assist us therefore if you could let us know:-

(a) for how long you could maintain throughout rail exports to France at the end of November rate without seriously interfering with allocations to other countries;

(b) the additional wagons and locomotives you would need to maintain December allocations and increase throughout rail shipments to France by say 100,000 tons.

5. For your information the French are pressing for a meeting to be arranged in London in the near future to discuss the whole transport situation in the British Zone in so far as it affects coal exports. In addition to their own experts and interested Departments here, the French would like representatives of British Element from Control Commission, E.C.O. and E.C.I.T.O. to be present. It would be politically difficult for us to oppose such a meeting and we should like therefore to know the earliest date next week on which your coal and transport experts could attend a meeting in London.

491

1945

Z

FRANCE

Z 13290

1 DEC 1945

113

Registry Number Z 13290/103/17.

FROM Resistance extract

No.

Dated 30th Nov. 1945.

Received in Registry 4th Dec. 1945.

Z: France.

Supply of Electricity in France.

Cutting headed "Nouvelles. Restrictions d'Electricité giving details of cuts in supply of electricity,

Last Paper.

Z 13208

References.

(Print.)

(How disposed of.)

(Minutes.)

Mr Brooks Richards in Paris is letting me know if this was an enclosure to a despatch.

If so word -

R.f.m.w. 24.1.

B.O. 15.2.

Paris know nothing of this.

x J.w. 15.2.

(Action completed.) 10/7/46

(Index.) 10/7/46

Next Paper.

Z 13307.

29082 F.O.P.

Z 114

Cutting from

RESISTANCE

30th November, 1945.

Z 13290

DEC 1945

Nouvelles restrictions D'ÉLECTRICITÉ

La situation hydraulique et celle de nos importations de charbon rendent nécessaires de nouvelles mesures de restriction dans la consommation d'électricité qui ont été décidées hier par le ministre de la Production industrielle à l'issue d'une conférence réunissant un certain nombre de hauts fonctionnaires. Les mesures prévues sont de deux ordres :

I. - Mesures d'ordre général

1° Réduction à trois jours de travail dans l'industrie autre que les industries prioritaires ;
2° Coupure systématique de la haute tension six demi-journées par semaine de 8 h. à 13 h. et de 12 h. à 17 h.

II. - Mesures de détail

1° Suppression effective toute la journée de l'éclairage des vitrines et publicités ;
2° Fermeture des magasins, sauf alimentation et pharmacies, à 18 heures, avec réduction considérable de l'éclairage à partir de 17 heures. Cette mesure sera appliquée pendant 15 jours. Au terme de cette période, si des abus ont été constatés, la fermeture sera décidée à partir de 17 heures ;
3° Réduction au strict minimum pour les autres magasins et notamment les cafés ;
4° Réduction de l'éclairage public ;
5° Réduction d'une heure, le soir, du service du métro ;
6° Remise en vigueur extrêmement stricte pour les usagers domestique du système de restrictions, avec coupure en cas de dépassement du contingent. SUITE P. 2

Les restrictions de l'electricité

SUITE DE LA PREMIERE PAGE

Le ministre, désireux d'apporter le minimum de perturbation à la vie publique, a fait droit à la requête des commerçants détaillants tendant à reporter à 18 heures au lieu de 17 heures la fermeture des magasins, à la condition qu'entre 17 heures et 18 heures, l'éclairage électrique ne soit pas utilisé et que les intéressés s'éclairent par des moyens de fortune.

Le ministre des Finances et le ministre du Travail mettent immédiatement à l'étude les mesures d'ordre financier concernant l'indemnisation des heures perdues. Il serait en effet injuste de faire supporter aux travailleurs les conséquences de mesures dont ils ne peuvent être tenus pour responsables.

Les livraisons de charbon prévues en faveur des enfants de moins de 3 ans et des vieillards seraient effectuées dans le courant du mois de décembre.

492

1945

Z

FRANCE

Z 13307

1 DEC 1945

15

Registry Number Z 13307/103/17.

FROM E.I.D.Minute.
Mr. le Desert.

No.

Dated 29th Nov.1945.

Received in Registry 4th Dec.1945.

Report on Economic state of France.
Submits detailed comments on Mr. Fraser's report.

Last Paper.

Z13290

References.

(Print.)

(How disposed of.)

(Minutes.)

Seen with Z 13317

H.S. 6/12

(Action completed.)	(Index.)
RJ 6/12/46.	10/7/46

Next Paper.

Z 13316

VM/

Reference Z12099/103/17 of 24th October, 1945.

earlier Sep. 31/12

116

In Dept Attached Ap

JK 1/11

Z 12099 103 17

Report on the Economic State of France

C 3 DEC 1945

Z 13307

FO 945

This is, as a whole, a very valuable document. As it appears to have been written at the request of the Department of Overseas Trade, we are adding some detailed comments which you might care to pass to them if you think they would be helpful. We should, if required, be pleased to supply any additional information as indicated in the detailed comments.

INDEXED

D.M. LeDesert.

Mr. Simpson,
Western Department.

D.M. LeDesert.
E.I.D.
29. 11. 1945.

(395)
Wt10822/2166
1,800,000 4/43
JC&SLtd
Gp736/208
(REGIMEAN)

Code 5-33-0

VM/18

6.C please.

117

Ref. Z12099/103/17. of 24th October, 1945.

Report on the Economic State of France

Detailed Comments

II. INDUSTRY.

p.8. (c) Government Control of Industry.

We feel that this section should be clarified and expanded somewhat in any final publication. For example, details about the Offices Professionnels (replacing the Comites d'Organisation) might well prove helpful.

Among other sources, may we indicate the following:-

1. The ordinance of February 22nd, 1945, inaugurating the joint Factory Committees (Comites d'Entreprises). /We have a copy of this on our files/.
2. Article in the Bulletin Mensuel d'Informations Economiques for September 1945 on the Centre National d'Information Economique.
3. Article in the Bulletin Mensuel d'Informations Economiques for July/August 1945, "Les Economies de Matieres", dealing with the Commissariat General aux Economies de Matieres.

p.9. Plant.

The statement that there has been little deterioration of plant during the occupation is surely rather sweeping, in view of the extreme shortage of lubricating oil and other maintenance equipment.

May we further draw attention to the article in the Bulletin Mensuel d'Informations Economiques for June 1945 on "L'Equipement de l'Industrie", and in particular the five-year plant for the machine-tool industry.

p.10. Iron and Steel.

According to the Annuaire Statistique, the iron ore production for 1938 was 33,000,000 metric tons, giving a monthly average of 2,900,000. The figure of 1,600,000 tons appears to be that for France less Alsace-Lorraine.

France imported both coal for coking and coke before the war, but the greatest amounts came from Germany, not Belgium.

In 1938 imports of coke were 2,362,000 tons, the sources being as follows:

Germany	-	1,074,000 tons
Belgo-Luxembourg Union	-	602,000 tons
Netherlands	-	610,000 tons
Czechoslovakia	-	55,000 tons
Others	-	21,000 tons

We have no figures for imports of coking coal in 1938, but total coal imports were:-

Anthracite :	2,079,000 tons of which	632,000 from Great Britain
		649,000 from Belgium
Other hard coal :	16,605,000 tons of which	5,700,000 from Great Britain
		5,200,000 from Germany
		2,900,000 from Belgium
		1,500,000 from Poland
		1,100,000 from Netherlands

In 1937 3,400,000 tons of coke were made from imported coal, i.e. a little under 5,000,000 tons were imported for that purpose.

p.11./

11e

p.11. Engineering.

In connection with the motor-vehicle industry: although we have no production figures for any definite period, we have seen reports to the effect that the important firms of Citroën and Peugeot are also working.

Mention might also be made of the five-year plan for the motor-vehicle industry, beginning July 1945, by which it is planned to construct:

643,000 vans and lorries
25,000 motor 'buses
1,032,600 cars

/Further details are available on our files/.

We have also some figures and indications concerning activity in the aircraft industry.

In a final document it might be well to speak of the damage to the ball-bearing plants, and its implications on the engineering industry as a whole.

The Bulletin Mensuel d'Informations Economiques for May 1945 published information on the ten-year plan for the renewal of agricultural equipment and manufacture of agricultural machinery.

p.11. Chemicals.

We have additional production figures if required, including fairly comprehensive ones for September 1945.

p.12. Rubber.

Surely France will not, in the long run, make much use of synthetic rubber, in view of supplies of natural rubber in Indo-China?

We have a few additional figures, particularly in connection with bomb damage and repair.

p.12. Aluminium.

The article on "L'Aluminium, metal francais," in the Bulletin Mensuel d'Informations Economiques for July/August 1945 is not without interest. From this it would appear that the French, despite world surplus capacity for aluminium production, are planning to increase their own.

p.12. Paper.

We feel that emphasis should be laid on the fact that 30% of the pre-war production figure is by no means 30% of French paper requirements, in view of the extensive imports of paper in pre-war years.

p. 13. Building materials.

I believe that this figure for glass includes all types, and not window panes alone. Statistics which we have received show 1945 figures for window-pane glass to be above 1938 level - though by no means full capacity figures. The following figures are taken from the Tribune Economique for 26th October, 1945:-

September 1945	Production (tons)	% of 1938 production	% of max. production
Total glass production	22,519	54	25
of which window panes	4,362	137	44

- p.15./

p. 15. Clothing.

To show the anticipated improvement in 1946, it might be well to quote production figures for the first six months of 1945:-

men's suits	-	418,500
overcoats	-	33,700
work clothes	-	496,000
women's dresses	-	117,000
shirts	-	642,000

III. COAL.

This section seems comprehensive - though there are naturally more recent figures available by now.

IV. ELECTRICITY.

We feel that this section could do with complete redrafting. It is not very clear, and does not bring out the salient points in connection with the French electricity supply. We have good details both about damage (which was serious in certain localities, e.g. Alsace-Lorraine, and hindered regional resumption of industry), and also for plants built since 1941 and work still in progress.

There seems to be some confusion between kilowatts and kilowatt hours.

V. PETROLEUM.

The petroleum section is most comprehensive, and contains much material new to E.I.D.

We would like to point out, however, that on p. 27., under "Local Production", there is no mention of the PECHELBRONN oilfield.

The oil section would welcome further reports of this nature.

VI. FOOD AND AGRICULTURE.

This gives some information, especially on import programmes, not available to us hitherto in so concise a form.

(p. 31) Here and there, there seem to be some small inaccuracies or ambiguities - e.g. the pre-war calorie intake is given as 3,150; it should perhaps be made clear that the calorie intake of food was only 2,800 - 2,900 calories, but an average of 300 calories daily was obtained from wine.

VII. PORTS AND TRANSPORT.

We feel that the addition of a section on the present state of the ports would have rounded off the picture more satisfactorily. (We have collected a fair amount of detail on this subject if it is required).

Rail. The figure of 245,000 wagons does not include the 78,000 foreign wagons available in France. The addition of these would bring the total to the E.C.I.T.O. estimate of 320,000.

(p. 48) Merchant Marine. The total of 2,140,000 G.R.T. on p.48 is surely incorrect. Both the figures on p. 47 (849,110 and 970,321) appear to have been added in, instead of the latter only. The total should read 1,291,000. Moreover, we are not entirely happy about the total tonnage figures on p. 47, but our sources are too conflicting for any definite pronouncement on the matter. On p. 48 the figure of 254,000 tons of fishing vessels is ten times the one we had previously seen.

VIII. /

VIII. RECONSTRUCTION AND HOUSING.

This section appears rather slight for so important a subject. No mention is made of the French manufacture of pre-fabricated dwellings, nor of the plans for "urbanisme". The tax on excessive house room and the monetary encouragement offered to people remaining away from badly damaged areas during the reconstruction period.

Might I also recommend a combination of this section and II (vii) - Building Materials, as they overlap quite extensively.

The Bulletin Mensuel d'Informations Economiques for October 1945 gives a good and detailed article on reconstruction.

IX. LABOUR QUESTIONS.

This section is also rather slight, considering the complexity of the question. I feel that the labour difficulties in the mines and heavy industry might be emphasised, also that some reference should be made to the revision of wage levels. There is also the question of the French Poles whom Poland wishes to repatriate.

X. FINANCIAL POLICY

It might be stated, with reference to section (a), Budgetary Expenditure, that latest estimates envisage a total expenditure for 1945 of 440 md. for (273 md. civil and 167 md. military) and a revenue of 180 md. fr., so that revenue will be only some 40% of expenditure. But presumably by the time that the final paper is produced budget figures will be published and one will no longer have to rely on estimates.

XI. IMPORT PROGRAMMES and XII. THE RECOVERY OF FRANCE'S EXTERNAL TRADE.

These sections, as far as we can judge, appear to give an accurate and comprehensive account of the current French external trade position. The section on Commercial Agreements is perhaps the least comprehensive - though this is in part due to the inevitable time-lag.

We cannot help feeling, however, that the description of the Franco-Swedish agreement is somewhat inadequate. No mention is made of the fact that the Swedes are, in effect, giving the French a credit of 50 million kronor (not to be confused with the "maximum advance to the French at anytime of frs. 50 million" - p.69). While we hesitate, in the absence of an actual text of the agreement, to make a definite pronouncement, we should like to point out that our information stated: "If the balance on either side exceeds 50 million francs or 4 million kronor, the creditor country shall have the right to convert its balance into interest-bearing Treasury bills in the currency of the debtor country." This would seem to imply that the Swedes have an equal right to a maximum advance of frs. 50 million - though circumstances make it probable that it is the French who will benefit under this part of the agreement.

We have noted two small differences in figures from those which we already have:-

(i) Imports for January 1945, 33,271 instead of 33,371 tons. (p. 60)
(ii) Value of total imports in 1938, 46,065,000,000 francs instead of 46,064,000,000 francs as in League of Nations Statistics (p. 72).

493

1945

Z

FRANCE

121

Z 13316

1 DEC 1945

Registry Number: Z 13316/103/17.

FROM Cabinet Offices Communicated.

No.

Dated

Received in Registry: 4th Dec.1945.

Discovery of documents entitled landed cost tables by French grocer.

Copy of AGWAR telegram Gov.449 of 27th November to YSFET giving text of letter received from Mademoiselle Holley States that her grocer Monsieur Maillet has found parcel of documents concerning of landed cost tables shipment of civilian supplies.

Last Paper.

21330?

References.

(Minutes.)

HJD 7/12

(Print.)

(How disposed of.)

(Action completed.)	(Index.)
WE 8/12	25/6/46

Next Paper.

Z13317

SECRET CYPHER TELEGRAM

WARNING This message must be thoroughly paraphrased if its text is to be published or communicated outside British or American Services or Departments. If re-transmitted unparaphrased other than through the Cabinet Office, the originator must mark the message " to be sent in One-Time Pad."

enclosure 22 8/12

7 13316

4 DEC 1945

RECEIVED 28 NOV 1945 CABINET OFFICES

RESTRICTED

IZ 10719
TOO NIL
TOR 271700Z

From :- AGWAR.

To :- USFET MAIN.

Info :- USFET REAR,
CABINET OFFICES

GOV 449. 27th November, 1945.

Documents entitled landed cost tables - shipment civilian supplies.

1. Following letter for CCALA received by CCAC from Mademoiselle Holley, 25 Rue Fourcroy, Paris:

"I beg to inform you that I have just been informed by my grocer, Monsieur Maillet 11, Rue Fourcroy, Paris (17 Degree), that he has found a parcel of documents concerning landed cost tables shipment of civilian supplies. I tried to telephone you, but could not get your number. This parcel must be taken at Mister Maillets at the above address. Hoping you will find all these documents in order.

Signed - F. Holley".

2. Confirmation requested when tables are in your possession.

TOO NIL.

Circulation

Long GOV/VOG.

Do you any thing of this strange story?
No. 2 M.
A.R.
C.R. Dept.
No. 2
S. Robertson Scott
22/11

494

1945

Z

FRANCE

Z 13317

4 DEC 1945

123

Registry Number } Z 13317/103/17

FROM Mr. Holford-Strevens (Department of Overseas Trade) to Mr. Simpson.

No.

Dated 30th Nov. 1945.

Received in Registry 4th Dec. 1945.

Report by Mr. Fraser on economic state of France.

Encloses copies of report on economic state of France prepared by Mr. Fraser. Observes that report in its present form is not suitable for publication, but that it is intended to prepare a revised report for this purpose in the New Year. Copied Mrs. James (Board of Trade) Mr. Penton (Treasury): Mr. Eatough (Ministry of Food): Ministry~~tion~~ of Production, Fuel and Power, Supply and War Office.

Last Paper.

Z13316

References.

Z12099

(Print.)

(How disposed of.)

Dft) Mr Holford Strevens

D.O.I. from Mr Simpson ~~Dec~~ Jan 3

8) Mrs James CRT Dept BoT.

Mr Penton Tsy

Mr Eatough E.C.G.D.

M/Food

M/Prodn

M/F+P Jan 5

M/Supply ~~Dec~~.

(Action completed.)

no doh/lab

(Index.)

24/8/46 GSW.

Next Paper.

Z13376

(Minutes.)

Pl. see also Z13307.

As regards para. 3, we might pass on a copy of the Draft. Dept's minutes in Z13307, together with any other comments minuted on Z12099 which seem suitable.

A point which needs consideration is how to avoid any unnecessary duplication or overlapping of E.I.D. papers and reports from abroad. But for this, pls see Z12841.

Dft. Mr Holford-Strevens. HSD. 6/12

Mr Mackenzie has drawn my attention to UE 4189/3918/53 and I have amended the second para. of my draft accordingly. HSD. 19/12

DH,

Replies should be addressed to the Comptroller-General,

Quote .....

Your reference.....

PLEASE AFFIX TO YOUR REPLY TO THIS DEPARTMENT

Ref. No. C.42691/4/45

Telephone : Victoria 4477

Telegrams : Advantage, Sowest, London.

Earlier Dept. 3/12 124

DEPARTMENT OF OVERSEAS TRADE

~~HAWKINS HOUSE, DOLPHIN SQUARE, GROSVENOR ROAD, LONDON, S.W.1~~

35 Old Queen Street, LONDON, S.W.1.

13317

30th November, 1945.

Dear Simpson,

(1 enc. sent.)

I enclose for your retention two copies of the report on the economic state of France which has been prepared by Fraser.

Z12099

As it stands, this report is not suitable for publication, for which, indeed, it is not intended. It is rather an assembly, for the information of Whitehall, of facts and figures about economic conditions in France. It is Fraser's idea, we understand, to prepare a revised report in the New Year which, after suitable amendments, could be sold to traders in this country as one of the "Reviews" prepared by Commercial Diplomatic Officers and published by the Stationery Office. So far, this programme of booklets has not included any liberated country.

I am consulting my chiefs as to the form and content of the next report. Meanwhile, both Fraser and this Department would welcome any comments that you or other Departments have on the enclosed document.

I am sending copies of this letter and its enclosure to C.R.T.Dept., (Mrs.James), Treasury (Mr. Penton) E.C.G.D. (Mr.Eatough), Ministry of Food, Ministry of Production, Ministry of Fuel and Power, Ministry of

F.L. Simpson,Esq.,
Foreign Office.

/Supply

4 DEC 1945

Supply and the War Office (Civil Affairs).

5 By the way, I should record here the fact that the original of the report came to you under a covering despatch, of which, perhaps, you will send us a copy, and that you are considering circulating as a print, at least, the covering despatch and the opening resume of the
x report.

Yours sincerely,

E.J. Holford-Strevens

(E.J.Holford-Strevens).

x I see from your despatch to Paris No.2070 of November 16th that this is what you are going to do.

THE BRITISH EMBASSY

PARIS

REPORT ON THE ECONOMIC STATE OF FRANCE

OCTOBER 1945

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I. INTRODUCTION

The object of this report is to describe, with the aid of such facts and figures as are available, the state of France at the beginning of a critical winter. Some attempt is made to indicate what efforts France will need to put out herself and what she will need from outside if she is to come through the winter in good shape and, as some Ministers seem rather wildly to prognosticate, become normal by next spring.

The increasing complexity of the situation itself perhaps indicates the distance travelled since August, 1944. It is no longer possible to make unqualified statements about any aspect, still less to forecast events or policies. It would, however, not be too wide of the mark to say that there is a conflict between energy and apathy; between a new spirit and an old one, a free and a bound. There is, for example, a vital difference of outlook between those who accept the black market and Systeme-D as part of the world order and those who fight for open dealing in this and other spheres. The moral condition of France is, indeed, in some ways disquieting; corruption is rife; the Dodos among employers are still extant and are mutinous; there is difficulty in making people accept the fact that a country wishing to survive in the modern world must strip as for a contest, all classes working together. On the other hand, there are many who are well aware of the state of affairs and deeply concerned with it; and the marked Leftward swing may indicate that many people are awake, desirous of better things and bent on getting them.

The first object of all people of good will has been, of course, to get France on her feet again. The economic policy adopted, after some conflict of opinion, has been, apart from obvious mechanical processes like mending the roads and railways, to reduce and avoid inflation; to reduce the note issue; to raise wages and freeze them; to freeze prices; to mop up loose money by loans and special taxes; to rely on increased production for the absorption of consumer power as well as to provide work and goods; to make the consumer carry as much as he can bear of the costs of production; to hold the franc; to organise food supplies and eliminate the black market; and finally to persuade the outside world, chiefly the U.S.A. and the U.K., to supply a good part of what was needed in the way of coal, raw materials, food and transport.

In some respects this policy has failed or only partially succeeded. Price concessions have had to be made and there are signs that inflationary tendencies may become too strong. Production, with the exception of coal, which is now showing some improvement, is still generally less than half of what it was in 1938, owing, at first, to absence of raw materials and now to want of fuel; food production has been affected adversely in many ways, and the black market is still active; the import programmes started late and now that the pace is beginning to accelerate there is danger that the port facilities and means of inland transport will break down; the franc has been held, but there is great pressure on it and it would have been an effective check on exports had there been anything to export. The country is highly critical of Ministers and Departments and if hopeful alternatives presented themselves they might well be accepted.

An attempt to describe the situation in a summary way would run rather as follows.

As already said, industry is working at well below the pre-war level, apart from coal and iron ore. Production is roughly from 20 per cent. to 40 per cent. of the monthly average of 1938, a year in which industrial production was, generally speaking, high. This is largely due at the time of writing to want of coal; and it is on coal, not only for industry but for domestic consumption, that the winter's prospects depend. Other factors affecting industry for the worse are excessive departmental regulation, inefficiency at all but the higher levels, shortage of skilled labour, price difficulties, want of energy through under-nourishment and, all too often, though there are younger men of promise, some lack of vision and a tendency to entertain the misgiving that French industry cannot stand alone. The fear of sweeping nationalisations has, for the moment, passed. Relations between employers and workers seem, on the whole, quite good; but it may well be that the employers will relapse into their earlier frame of mind and show themselves high-handed when industry recovers.

The coal industry is more promising; production is increasing (but those who argue that this is owing to nationalisation may be making a post-hoc assumption). Nevertheless, France is still short by perhaps 28 million tons per annum of her requirements as they were before the war and is without stocks; she will certainly, therefore, depend this winter on imports from the U.K., the U.S.A. and Germany, and it will be necessary for those interested in France's recovery to pay unceasing attention to this aspect.

The petroleum situation is not unsatisfactory. Considerable developments are planned in connection with hydro-electric power and in connection with the conversion of domestic and industrial heating equipment to the use of liquid fuels which, if they come off, will noticeably affect the consumption of coal, though not this winter.

As to food, there is not enough, at least in the urban centres. In terms of calories, the people in the big towns must be gravely undernourished. Moreover, it is sometimes said that the Army takes more than its fair share. The distribution of food is, indeed, uneven, and in several districts of France a number of persons have nearly all they want and certainly all they need. It is, however, undoubtedly the case that food production in France has been affected for the worse by German pillage; by shortage of fertilisers machinery and equipment; by decline in man power; and by bad weather. The farmer cannot purchase what he needs for his work and he distrusts the franc. He is accordingly despondent.

The prospects for the winter do not in fact look too good. At the time of writing the situation seems to be that owing to the drought there is a lack of pasture so that farmers are sending to the market animals that ought to be fattened during the winter months. The harvest of oats and barley has been exceptionally poor and the greater part of it will remain on the farm to be used chiefly as cattle food. The quantity available will be well below minimum requirements and it is now estimated that in order to preserve the livestock from further deterioration an additional 700,000 tons of secondary cereals will be needed from abroad during the coming month. Hay and roots are also in very short supply; the home production of oil-cake has been extremely small and 500,000 tons will need to be imported during 1945-1946. In short, the position is very bad and farmers are largely depending on what resources they have on their farm for feeding livestock (the present large arrivals of cattle on the Paris market have been due in part to the shortage of food as well as to the higher prices which are now being paid to the producer).

As to rations for human consumption, it looks as if the best that the Government can hope for is to maintain the rations as now planned or perhaps even to **increase** them slightly in some particulars, but this will not bring the calory ration up to the 2,000 a day needed "to prevent disease and unrest". If this is not achieved, there will be illness, failure and serious trouble, at any rate in the large towns. There is, of course, much that can only be done in this matter by the French themselves; but once again it is urgent that those who are able should help them to obtain and bring in the foodstuffs and other agricultural requirements that have been asked for (2,000,000 net long tons of food; 1,000,000 net long tons of fertilisers; 1,000,000 net long tons of other agricultural requirements, particularly cattle feed and seeds; this for the first half of 1946 and roughly the same amount for the second half of 1945).

Help must also be given in their efforts to improve inland transport and in various other ways such as the return of their fishing boats with supplies of necessary gear and equipment.

As to unemployment, it is odd that there is practically none. There is indeed, a shortage of skilled labour. The fact is that some workpeople are paid by their employers who wish to keep a nucleus of their labour-force together even when there is no work; and others live with their relatives in the country where they can get food. Absenteeism through food-hunting is common.

The conflict already mentioned between apathy and energy is well seen in the attitude of labour to work. Especially, perhaps, among young men who were trained to habits of indiscipline during the Occupation, there is some tendency to be work-shy and the natural langour of those who live in the climatically luxurious regions of France has been intensified by this and, perhaps, by under-nourishment. On the other hand, it is certain that, in the North and elsewhere, the people are anxious to work and to work with sound materials.

On the whole it may be said that relations between employers and workpeople are at present good; but this is perhaps because employers are at present to a considerable extent helpless. It is the Government and not the employer who is, at present, the object of resentment and criticism. The attitude towards employers may well change should increasing production, increasing release from Government restrictions, and some degree of prosperity give the employers more confidence.

As to transport, the French have managed, by great efforts and Allied military help, to cope with arrivals at the ports and to move goods inland. It is indeed remarkable, considering the condition of the ports; but it will be a long time before they can recover anything like their shape. Moreover, inland transport facilities have been strained to the limit and when goods begin to arrive in greater quantities, and to flow from the factories, there may be a breakdown unless punctual help is given in the supply of necessary materials. A grave situation is already arising through shortage of means to bring in allocations of German coal. As to marine transport, in spite of all the French can do in the way of building or buying new tonnage, they will be dependent on U.M.A. during 1946 for the greater part of their imports.

The problem of mine-clearing, area-clearing, repairing houses, building new ones and generally rehousing numbers of displaced persons is being tackled, but much remains to be done. In this matter also, France will depend on imports of various kinds.

In the sphere of financial policy, attempts to reduce and avoid inflation have been fairly successful; but price policy shows some signs of breaking down. It may well prove difficult to resist further wage increases and there are, as already said, signs that inflationary forces will "overflow their continents". The franc has been held so far; but it is admitted that it cannot be held much longer. Devaluation of the franc should, of course, help French export trade as soon as there are any goods to sell. Again, from the point of view of those who wish to help France to recover it is indispensable that something should be done to encourage her export trade, which is vital to her as to ourselves and other countries. Shortage of sterling and dollars is, even at this moment, threatening to keep the import programmes below the point necessary for economic health.

It is not yet known what French policy will be in the sphere of international commerce. Ministers and officials have been pre-occupied so far with day-to-day matters. It is not unlikely, however, that here too we shall see the conflict between the modern-minded and the Dodos. There are certainly indications that industrialists will press for a protective policy and that there are those in Government circles who will lend their support; we may, therefore, see a return to the drastic and arbitrary methods of protection employed between the two wars. It is, in any case, certain that for some time to come imports will consist of foodstuffs, raw materials, plant and equipment to the virtual exclusion of consumer goods; and if we wish to export our own products of a luxury or semi-luxury type to France it will be necessary to reciprocate by imports of French products of this kind. There is already a tendency to return under the import licensing system to what amounts to a quota method of regulating imports and sources. However this may be, there is already a wide and strong desire for association with other countries. Many Frenchmen are, perhaps, too ready to think that French economy cannot stand alone; and without doubt most of them distrust the masses of population and the economic power to the East of them and across the Atlantic: they look, therefore, for friends, and whatever may come of their conversations with the Dutch and the Belgians on such detailed matters as Customs Union, there is an eager desire for some form of economic as well as political association with the Western European powers, an association which all feel cannot be effective unless the United Kingdom takes the lead. There is not much belief among the French that the nations of the world will prove altruistic and accept diminishment of their sovereignty in such matters as tariffs and quotas, or indeed anything else; and the indications are that they will look for a solution by some kind of bond deriving from mutual interest and the aggregation of resources among neighbours. In the absence of this they are likely to use measures, which experience between the two wars has shown to be harmful, to safeguard themselves.

However, anticipations of this kind are apt to melt away as reality arises.

British Embassy,
Paris.
24th October, 1945.

Note.

Since the above was written, the American coal strike has broken out and from 21st October no further shipments will be made to North West Europe. America's contribution for the months of October, November and December would have been about 700,000 tons a month, of which 358,000 tons were destined for France. The strike, then, may gravely affect the situation. Moveover, the movement into France of coal from the Ruhr has just come to an end, owing to disappearance of wagons. At the moment, therefore, the situation looks bad.

II INDUSTRY

(a) General

French industry is still producing at well below the prewar level. Except in coal and iron ore, production is roughly from 20% to 40% of the 1938 monthly average. The chief handicaps are lack of raw materials, transport, coal and skilled labour, as well as inadequate prices and excessive regulation of every-day details. Earlier hopes of a speedy revival of production were disappointed by the failure of raw materials to arrive, but supplies adequate for present capacity are now available. The means of internal transport can more or less cope with existing activity, although any further increase in industrial production will create new problems. Coal (see also section III) remains the prime difficulty.

It is the absence of adequate supplies of coal for industrial use that has kept production at a low level. Frequent reallocations between industry and industry have been necessary as a critical situation arose in one after another; and this has introduced a further element of uncertainty to daunt the already discouraged manufacturer. The situation has recently improved, as indicated elsewhere in this report; but French industry is still, on the average, receiving only about one third of its requirements in coal, and as the E.C.O. formula for allocations during 1946 provides for average allocations of no more than 40% of 1938 consumption for all except the food processing trades, the prospect of an early recovery to full production is not bright.

However, in some respects there is a noticeable improvement by comparison with the early part of the year and a spirit of optimism is abroad.

Annexes 1 and 2 show the progress made in certain of the leading industries during the eleven months 1st October, 1944 to 31st August, 1945, and some details regarding some of them follow. A slight setback is to be noticed in July, due probably to the incidence of paid holidays.

Reference may first be made to certain other factors affecting industry; nationalisation, multifold government control of operations, the shortage of skilled labour and labour relations, state of plant, the general financial situation.

(b) Nationalisation

Although it may once again become a live issue after the elections, nationalisation has not lately been urged with the same vehemence as formerly.

The Northern coal mines, the Gnome and Rhone aero engine works, Air France and the Renault motor car works have been nationalised and the Government has announced its intention of nationalising the production of electricity (as well as the control of credit) before the end of the year. There the matter seems to rest for the present. Opinion on the success of the measures of nationalisation so far effected is of course divided according to the background and political opinions of individuals. Industrialists declare that the coal mines are losing heavily and that the Renault Company has already lost over Francs 1 milliard on its operations; but these claims are denied by the advocates of nationalisation who (making a post hoc assumption) can point to the indisputable facts that coal production has increased and that Renault has increased its output, as has Berliet which although not nationalised is run by a Government nominee. Moreover, a loan of Frs.800 millions issued by the Renault Company for renewal of plant was subscribed in a week and the company claims that its finances are in sound condition. But it is certainly impossible to judge of the success of the nationalisations already carried out until conditions become more normal.

(c) Government control of industry

If, however, the Government has not proceeded further to the actual operation of industrial undertakings it has relaxed very little, if at all, the very strict control over industry provided by the Comité d'Organisation system of Vichy. The constitution of the Committees has, it is true, been revised to provide for a Government-nominated commissioner (instead of one from the industry) and for the inclusion of workers' representatives; but the Government itself continues strictly to control industry through the Committees and indeed to strengthen its control by appointing civil servants as commissioners. The whole apparatus of control weighs

s heavily as ever on the individual manufacturer, who finds himself involved in a maze of administrative regulations for every operation he attempts. He is becoming restive. Some of the complaints heard are of course the reflection of the business man's desire to conduct his business in his own way regardless; but there can be little doubt that the machinery of control is excessively complicated. So much has indeed been admitted by Monsieur Lacoste, Minister of National Production, who has claimed that strict control was necessary while industry was being restarted and has hinted that some relaxation may be possible in the future. A hint of the same kind has also been given by the Secretary General of the Ministry of National Economy, but so far nothing has been done to give effect to these intentions.

(d) Labour (see also Section IX)

On the surface, labour difficulties are not serious at present; but if relations between employers and workers seem reasonably good, this may well be because employers are, at present, at least in their own opinion, over-regulated. When good times return, if they do, things may change in this respect. The grumbling is directed against the Government. At any rate, little is heard of the Comités d'Entreprises which were the cause of much head-shaking at the time of their introduction by legislation, and accounts vary of their success. In any case they do not seem to have given rise to any particular difficulties; certainly there has been no attempt to use them as a forum for the expression of political views. In part this has been due to the willingness of employers, for the time being at least, to accept the system and in part to the fact that the workers have not been interested in anything more than adequate wages and food.

Shortage of labour, particularly skilled labour has, however, been a problem, particularly in the engineering and in the textile industries; and there is no doubt that despite wage increases of approximately 40 per cent. in the late spring employers are still paying above the maximum authorised rates. Productivity per head is also low owing to the inadequacy of the rations which do not allow of sustained work. The position in this respect is better than it was and is in a sense balanced by under-employment owing to shortages of coal and raw material.

(e) Plant

In general the equipment of French industry, except that in Alsace-Lorraine, received very little damage during the war or at the liberation. Further, owing to the reduced scale of operations during the occupation there has been little deterioration, and immediate renewal is urgent in the case of only a few plants. On the other hand, most of it (there are certain notable exceptions) was obsolete by current standards before the war. It has been calculated that the average age of machinery in France before the war was 28 years. An enormous programme of plant renewal must therefore be undertaken if France is to regain her position as an industrial power; still more if she is to increase industrial activity to the scale and efficiency needed for the support of a modern army. The possibilities in this respect are, however, governed by inexorable circumstances; and the French authorities have already made it clear that they intend to regulate the pace of renewal, not only because of the demand for foreign currency involved, but also in the interests of orderly development. It seems that plans have been drafted, or are in preparation, to be put in force from the beginning of 1946.

(f) Financial position

The low level of current production necessarily reacts unfavourably on the financial position of industrial concerns the great majority of which shew important losses for last year. Substantial increases in the prices of industrial products have been granted to cover the cost of the increases in wage rates granted this year; but in fact they have hardly been adequate to compensate the wage increases that were approved immediately after the liberation, still less to make up losses already incurred. It is not clear to what extent manufacturers have been able to absorb the increased charges for wages, raw materials, transport, and so forth; but their financial position must be a source of concern to many. In addition they have in many cases continued to pay their workers when the factory was stopped, employing them on maintenance jobs in order to avoid dissipating their labour force. It is true there seems to be no lack of money available for the subscription of new issues and no reluctance to take them up; but there is no doubt that most manufacturers have had their cash resources severely reduced.

(g) Situation of particular industries

(i) Iron and Steel

This industry, in common with all others, suffers from inadequate supplies of coal. It also lacks coke, which in the past was largely drawn from Belgium. Nevertheless output has increased steadily. Production of iron ore, which in 1938 averaged 1,600,000 tons per month, reached 667,000 tons in July and 795,000 tons in August (50% of 1938 average). Output of pig iron and of crude steel necessarily depends on supplies of coke, but under both heads a considerable improvement is to be recorded: output of pig iron in August was 106,000 tons, or 21% of the 1938 monthly average of 501,000 tons; output of crude steel was 133,000 tons, or 26% of the 1938 average of 509,000 tons. The output of rolled steel was 99,000 tons in August, or 32% of the monthly average for 1938. The averages for the first three months of the year were: iron ore, 24% of 1938; pig iron, 12%; crude steel, 16.7%; rolled steel, 17.5%. A further improvement in the situation is expected from the increased coal and coke allocations for October, which permit of the re-firing of a number of blast furnaces, bringing the number in operation to 28 as compared with 8 in February and 100 in 1938, out of a reported total of 200 in France.

(ii) Engineering

No figures of activity in the engineering industry can be quoted, but it is obvious from the foregoing that supplies of one of the principal raw materials are still short. Most concerns have in fact been running down their stocks. Nevertheless, in spite of the usual difficulties in regard to coal and skilled labour, still only in part resolved, there has been a good deal of activity in this industry based on military requirements.

In the motor vehicle section Renault has increased its production steadily, although, with Berliet, the other important motor vehicle works in operation, its production is limited by the difficulty of getting tyres. Production at the Renault works, which now employs 22,000 workers as against 36,000 in 1938, is stated to be 60 lorries per day as against 43 in March. The output of the Berliet concern is reported to have risen from 20 lorries in September, 1944, to 165 in February and to have remained at 160 per month since. The output of the industry as a whole reached 2,440 vehicles in August, compared with 2,817 in July and an average of 2,326 for the first three months of the year. Costs of production are, however, fantastically high; the price quoted for the smallest type of Renault car, expected to be in production in December, is Frs.127,400.

(iii) Chemicals

The same story of improving production but of much distance still to be covered could be told of the chemical industry. The production of sulphuric acid reached 16,000 tons in August, as compared with an average of 7,290 tons in the first three months of the year; but this was still only 20% of 1938 figures. Sodium Carbonate output was 13,000 tons in August, compared with an average of 4,400 tons in January - March, 1945, and of 38,300 tons per month in 1938. Figures for other products have not been published, but production of explosives for mining is stated to be at approximately the following percentage of 1938 output:-

Compressed black powder	63%
Black powder	71%
Cartridges for liquid oxygen	21%
Electric shot firers	45%
Detonators	41%
Fuses	36%
Shot firing flex	103%

(iv) Rubber

In consequence of the arrangements made with the Allied authorities for the manufacture of tyres in French factories for military use, the industry has been fairly well supplied with raw materials and production in July reached 5,300 tons or 39% of the 1938 figure. This figure has, however, not been maintained in August when the output fell to 2,900 tons. To some extent the industry is handicapped by the present necessity of using a comparatively high proportion of synthetic rubber, (and there is speculation as to the future of synthetic and national rubber respectively); by the difficulty of obtaining suitable cotton or rayon material for use as base; and by the circumstance that certain factories received heavy bomb damage which it has not yet been possible to repair.

(v) Aluminium

During the occupation the shortage of copper and other non-ferrous metals and the demand from German industry resulted in a considerable expansion of aluminium production in France. Pre-war output averaged 3,500 tons per month, falling to an average of 2,179 tons per month during 1944 and remaining at an average of 2,290 tons for the first 3 months of this year, owing to transport difficulties and shortage of coal. By July, however, production had reached 3,800 tons per month, or 108% of the 1938 average. The output of bauxite, however, which was largely exported before the war, remains well below prewar figures; the 1938 average was 57,500 tons, whereas production, which for the first 3 months of this year stood at about 17,300 tons per month, had reached in August no more than 18,300 tons, or 32% of the pre-war average.

(vi) Paper

Shortage of wood pulp, of which France is not able to supply more than a small fraction, and of coal supplies, has severely restricted the output of paper. Earlier, certain supplies were obtained from Switzerland and it is hoped that important quantities will shortly arrive from Sweden and the U.S.A. This would permit of production next year at about half the 1938 scale. Coal allocations approved for the remainder of this year are estimated to permit of the production of 90,000 tons, approximately 30% of the pre-war figure. Output in July was stated to have reached 22% of the pre-war average, after reaching 24% in June, as compared with 11% in January; but production of newsprint is only about 9% of the 1938 figure.

(vii) Building materials

Larger allocations of coal have resulted in improved conditions in the building materials industry which during the summer had practically stopped. Even now the cement factories are producing only at about 30% of the 1938 rate of 280,000 tons per month; but it is hoped to reach a figure of 5 million tons in 1946 in spite of labour shortages. The output of bricks in June was 105,000 tons against the 1938 average of 400,000 tons. The need of glass for repair to damaged houses is considerable and production in July reached 21,500 tons, about half the 1938 average.

(viii) Textiles Generally

Activity in the textile industry, which during the occupation had been largely based on the use of fibranne or staple fibre, has been at a low ebb since the liberation owing to lack of wood pulp for the artificial silk factories. Imports of raw cotton, of wool and of jute were included in the import programme and have arrived in satisfactory quantities, although delays reduced the production programme. Difficulties over coal have further retarded the restarting of the industry, except in those sections engaged on orders for the allied forces and the French military. Production, therefore, is still well below 1938 levels and is generally estimated at from 30 to 40% of what it was before the war. An important part of current output is destined for military consumption and it will be a long time before the industry will be in a position to supply current requirements in textiles, still less to make up the deficiency resulting from the shortages of the past five years.

(ix) Cotton and Linen

Consumption of raw cotton by spinning mills during August was 7,420 tons, as against a monthly average of 1,990 tons for the first six months of this year and of 21,000 tons in 1938. Output of cotton yarn was at the rate of 6,000 tons a month and is expected to reach 14,500 tons by the end of March, 1946. Production of linen yarn was at the rate of 600 tons in August and is expected to rise to 2,000 tons by March, 1946. Output of cotton and linen cloth, which up to July 1st totalled only 11,180 tons, reached 2,500 tons in August and will, it is hoped, rise to 10,000 tons by March, 1946. The annual output before the war was 223,000 tons.

(x) Woollen and Worsted

Indigenous production of wool was estimated in pre-war years at 10,000 tons; for 1945 it is expected to be no more than 5,000 tons. Imported supplies have arrived only in small quantities and the activity of the industry is therefore on a small scale. There are, however, signs of a general improvement in activity and of a more optimistic tone regarding the future. The weight of wool put into spinning in July was 3,025 tons, as compared with a monthly average of 2,200 tons for the first six months of the year and of 9,500 tons for 1938. Output of woollen and worsted yarn for August was 2,799 tons and of woollen and worsted cloth 1,550 tons; estimated output by March, 1946, are 7,000 tons and 3,600 tons respectively, as against annual output in 1938 of 114,000 tons of yarn and 84,000 tons of cloth.

(xi) Jute

Supplies of jute have been received against the import programme to the extent of 30,000 tons, which represents the whole of the first six months programme of shipments. Consumption of raw jute by spinners is about 30% only of 1938 figures and output for August was: yarn, 2,000 tons; cloth, 1,300 tons. Both figures are expected to reach 5,000 tons by the end of March, 1946. Pre-war figures of annual production were: yarn, 78,000 tons; cloth 60,000 tons.

(xii) Silk and Artificial Silk

Apart from the small French production of natural silk, manufacturers are still cut off from their supplies of raw silk and the average quantity consumed in the first six months of this year was under 7 tons as compared with a monthly consumption of 325 tons in 1938.

Production of rayon and particularly staple fibre, as almost the only textile material available, was greatly expanded during the occupation; but it has been badly hit by shortages of cellulose pulp and of other raw materials. The production of rayon, which in 1938 averaged 2,309 tons monthly, was only 1,061 tons in August, as compared with a monthly production in 1943 of 2,000 tons. Staple fibre output, which reached a monthly average of 2,600 tons in 1943, as compared with 510 tons in 1938, is still above the pre-war figures; but in July it was only 1,100 tons and in August had fallen to 800 tons.

The output of rayon and staple fibre is limited in an important degree by the bulk of the raw material, which has to be imported. Moreover, a comparatively high proportion of coal is required (stated to be 5 or 6 kilos of coal to 1 kilo of rayon or staple fibre).

(xiii) Clothing

The delay in restarting the textile industries and the large proportion of their output so far taken by the military has made it impossible to satisfy even current requirements in clothing and the prospect for some time ahead is not bright. Up to the end of July, 60% of all cloth produced was taken by the military; during August and September their share was reduced to 47%, with another 10% taken by the administration and for outfitting returned prisoners of war. As from the beginning of October the military requirement was to be reduced so as to represent no more than 25% of output and from January of next year the military will receive only 16% of current

production, the same proportion as in a normal year. Even so, however, production of clothing will not be adequate to provide one complete outfit for every person in France; and it should be remembered that for the average Frenchman any renewal of his wardrobe during the past five years has been practically impossible. It is hoped to produce the following quantities of clothing during 1946:-

6,000,000	Mens Suits	(1938 production 7,500,000)
1,600,000	Overcoats	(" " 2,300,000)
12,000,000	Works Clothes	(" " 9,350,000)
6,200,000	Women's dresses	(" " 8,200,000)
25,000,000	Sheets	
36,000,000	Miscellaneous clothing items (shirts, underwear etc.) (1938 production 60,000,000).	

The extent to which this production can be considered adequate may be seen by comparing the figures with the estimated population of 41,000,000. Monsieur Lacoste, Minister of Industrial Production, has, however, recently declared that by March next he hopes to be able to meet all the arrears of textile points so far issued (20 per annum in the case of adults), to abolish the system of "bons d'achat" (special authorisation to purchase) required for almost all important items of clothing, granted only on proof of necessity, and to issue further textile points.

Household furnishings are in even shorter supply and it is unlikely that, with the exception of sheets (as indicated above), there is likely to be any important production during 1946.

(xiv) Boots and Shoes

Shortages of leather and of nails have restricted output of boots and shoes and the quantity available for the civilian population has been severely limited by priority demands from the military. Military requirements are, however, now satisfied, with the exception of a requirement of 1,800,000 pairs of military boots. Total output in 1945 is expected to reach 25 million pairs of boots and shoes of all kinds, including those for military purposes; but in 1946 it is hoped to manufacture 40 million, which should permit of the distribution of one pair per head - approximately the normal situation. It is hoped also to make available one pair of soles per person.

(xv) Tobacco

After the satisfaction of his bodily needs in regard to food, clothing, shelter and heating probably the Frenchman's most important need is tobacco; the prevalence of black-marketing in cigarettes is sufficient evidence of that. The cigarette ration, which early in the year stood at 3 packets per month and which it was not always possible to meet, has recently been increased to 4 per month and is being met regularly. Moreover, it has been decided to allow women a ration of 2 packets per month as from December next. Production of the tobacco Régis, in consequence of arrivals of tobacco from the U.S.A. and the recovery of important quantities from Germany, has quadupled since September 1944 to 3,300,000 kilogrammes in September 1945; pre-war output was 55,000,000 kilogrammes per annum.

III - COAL

Before the war (that is 1937-1938) France produced about 39,000,000 tons of coal available for distribution and imported about 23,000,000 tons. On the basis of August results, which are the latest known, present total production is only 30,000,000 tons a year of saleable coal; imports from United Kingdom, U.S.A., and Germany are at the rate of 5,000,000 tons a year. This leaves France 27,000,000 tons a year down; and she is completely without stocks, which pre-war were maintained at about 2,000,000 to 3,000,000 tons.

French coal production, which was at about 1,065,000 tons per month when released in September, 1944, has been as follows:-

October 1944	1,437,600	April 1945	2,403,500
November "	2,043,400	May "	2,143,800
December "	2,429,100	June "	2,686,549
January 1945	2,733,400	July "	2,694,000
February "	2,499,500	August "	3,069,400
March "	2,757,200		

The figures of monthly outputs given and a forecast for September to December indicate a steady increase to 3,450,000 total, or about 2,900,000 net disposable output.

The imports by sea since D-day have been:-

June 1944	1,039	January 1945	190,403
July "	8,770	February "	225,540
August "	12,170	March "	253,100
September "	46,400	April "	273,029
October, "	76,077	May "	232,627
November "	102,382	June "	189,281
December "	148,031	July "	244,444
		August "	245,818

Imports from Germany started in May and have been:-

May	1945	4,799
June	"	44,924
July	"	104,051
August	"	191,527
September	"	295,000

E.C.C. has provisionally allocated coal from Germany as follows:-

October	281,500 tons
November	470,500 "
December	580,500 "
January	580,500 "

A comparison of total availabilities for France in October, according to forecast (her own output, German import, U.K. and U.S. allocations) with pre-war consumption is as follows:-

Pre-war		October, 1945	
Disposable solid fuel production	3,472,000	Consumption requirements requested and allocated excluding U.S. and U.K. military requirements	3,758,000
Full imports	1,901,000		
	5,373,000		

Percentage 72.8%

French production (less coal consumed at the mines) from the date of the release of the mines, plus imports by sea and from Germany, all up to the end of August, totalled about 29,500,000 tons. The amount of coal used directly or indirectly for military requirements, including railways, was probably at the rate of about 500,000 tons a month, or 6,000,000 tons a year. This left France for her own requirements in the period covered a total of 23,500,000 tons, as against a normal annual requirement of 62,000,000 tons before the war.

A comparison of consumption in June, 1938 and June, 1945 shows as follows:-

	June, 1948	June, 1945	Percentage
Gas Works	358,200	243,200	68%
Electricity Works	263,000	322,500	122%
Railways	813,000	622,777	76%
Internal Navigation and Bankers	922,000	25,300	2½%
Heavy industry	2,170,000	758,580	35%
Small industry and Household	1,420,000	488,800	34%

Given the estimated forward availabilities of coal for Europe, the European Coal Organisation estimated in August, 1945, that consumption requirements during the six months following the end of the war should, if possible, be met to the extent shown below:-

1.	Gas Works	69% of average winter consumption 1935-37, if known; if unknown 69% of 55% of average annual consumption.
2.	Electricity Works	55% of average winter consumption, 1935-37, if known; if unknown 55% of 55% of average annual consumption.
3.	Railways	100% of half average annual consumption, 1935-37.
4.	Water and other public utility undertakings	100% of half average annual consumption, 1935-37.
5.	Coke oven plants	40% of half average annual consumption, 1935-37.
6.	Iron and steel works	
7.	Engineering and other metal trades	
8.	Food, drink and tobacco	70% of half average annual consumption, 1935-37. (Agriculture and horticulture, food processing, 80%).
9.	Chemical and Allied Trades	40% of half average annual consumption, 1935-37.
10.	Cotton, textiles, leather and clothing	
11.	Paper, printing and stationery	
12.	Quarries, Mines, Cement and pottery	
13.	Bricks, tiles, fireclay, building material, building and contracting	
14.	China, Earthenware and Glass	
15.	Timber	
16.	Other industries	
17.	Navy, Army, Air Force	0%
18.	Domestic	60% of two-thirds of half average annual consumption, 1935-37.
19.	Bunkers	
(a)	Foreign Trade	In abeyance.
(b)	Coastwise	Under consideration.
(c)	Fishing	" "

It will be seen, therefore, that even if France takes all her allocations, her revival standard is very modest. Many more millions of tons will be required to bring her up to pre-war basis only. The replenishing of stocks and the overall effort outlined by de Gaulle will call for millions more.

Allocations to domestic users

Everything depends on whether the French can bring in and distribute within the country the much larger quantities of coal which are now being made available from the United Kingdom, the U.S.A. and Germany.

So far, it is understood that 2 cwts. have already been issued to all householders and they are promised a further 2 cwts. delivery in October. Doctors, dentists, sick folk, old folk, young children, hospitals, etc., have a special issue over and above this. An issue of wood is also being made available; but at the best it is feared that not more than 10 cwts. of coal and 10 cwts. of wood will be available to the ordinary family for the whole winter. It is true that a certain amount of gas and electricity will be available for heating, but many homes have no electricity and quite a number have no gas.

Discharging and Transport

The whole of French recovery depends on the success of efforts to discharge and move. At present the ports are badly damaged and lack discharging equipment; railways, rolling stock and locomotives are damaged or in short supply. In addition, few of the ports have sufficient draught of water to take the Liberty ships alongside the quay. From enquiries made, the S.N.C.F., A.T.I.C. port authorities, British Q-movement and U.S. Com.Z., all seem confident that this will be coped with.

Future outputs

Although France's own output might rise to 80% of her pre-war production, giving her about 31,000,000 tons of saleable coal; and although the import programme may be increased to 1,500,000 tons a month (18,000,000 tons a year), the amount of coal available will still be 13,000,000 tons less than before the war. Therefore, when it comes to talking about a revival effort involving up to 200% of pre-war, considerably more coal will have to be found.

5. Note. Since the above was written the American coal strike has broken out and since about 21st October no further shipments have been made to North-West Europe. America's contribution to that area for the months of October, November, and December, at any rate, would have been 710,000 tons monthly. Each month the strike lasts, France will lose 358,000 tons from U.S., plus possibly 40,000 tons of coal from U.K., which coal will go to make up those North-West European countries, who are allocated exclusively U.S. coal.

As things now stand, U.S. coal arrivals will cease at the end of this month. In addition to this, the movement of coal into France from the Ruhr has now entirely ceased owing to loss of wagons.

IV - ELECTRICITY

Little damage was done to the electric supply installations at the liberation and as during the occupation production has been developed the situation has, on the whole, been satisfactory. Some strain developed as from the beginning of September owing to the reduction in the generation of hydro-electricity, the level of water in the dams of the South being particularly low on account of the dry summer. The production of the thermal generating stations has been stepped up as far as possible; but, although the thermal generator at Hostens near Bordeaux has been put back into action, it has not been able to make up the fall in hydro-electric production of the Pyrenees, with the result that the Paris region has had to export to Orleans.

Two hydro-electric generators have recently been brought back into use, one at Fond de France and the other at Bissorte. These two stations produce altogether about 17,000,000 kilowatts per month, the equivalent of 12,000 tons of coal.

Total consumption at the beginning of August was averaging 47.5 millions of kilowatts per day, of which 20.2 thermal, 24.9 hydraulic and 2.4 imported. This represents a monthly consumption of 1,425 millions of kilowatts. Consumption in the second week of October had increased to 55 millions of kilowatts daily, representing a monthly rate of 1,650 millions of kilowatts. The increase is obtained from the thermal generators.

In total the electricity situation has been one of the most satisfactory aspects of economic activity during 1945, for compared with average monthly consumption in 1938 (1,350 millions of kilowatts) the monthly average during the first six months of 1945 stood at 103% (1,385 millions of kilowatts). During July and August it fell to 99% (1,333 millions of kilowatts) and 94% (1,275 millions of kilowatts) respectively, on account of the reduction in hydro-electric generation.

It is considered that the existing hydro-electric generating stations represent only about 25% of the maximum that could be achieved, which is estimated at over 40,000 millions of kilowatts. The following table shows as at 1st January, 1941, for each of the large generating systems the available power of the equipment in use and that which can be expected from the stations under construction, under consideration or appearing possible (in thousands of kilowatts).

	In working order	Under Construction	Being planned	Appearing possible
I - NORTH-EAST				
Rhine Basin	100	-	446	-
II - NORTH AND NORTH-WEST				
Seine and coastal rivers	28	1	57	-
Tidal stations	-	-	92	8
III - MASSIF CENTRAL				
Loire Basin	80	10	43	92
Dordogne Basin	112	98	142	87
Tarn Basin	44	5	56	108
Lot Basin	96	86	98	17
Various	3	-	38	-
IV - PYRENEES				
Haute-Garonne Basin	152	68	87	152
L'Adour Basin	116	37	117	175
Various	25	16	5	38
V - JURA				
L'Ain, Dombes and Doubs Basins	56	4	61	27
VI - RHONE	63	190	689	-
VII - ALPS				
Isere Basin	404	112	271	273
Other Basins	186	18	363	537
TOTAL	1,465	645	2,565	1,514
Corresponding annual production capacity (in millions of kwh)	12,833	5,650	22,470	13,263

The French are pursuing the construction of the Aigle dam which forms a part of four hydro-electric installations covering the middle and upper Dordogne from the level of Argentat to north of Bort. The marèges dam was finished in 1935; the Aigle dam is well under way and the Bort and Chastong dams are in the stage of preparatory work.

Of the 240,000 cubic metres of concrete which will be needed for the Aigle dam, 200,000 have already been placed in position. It is considered probable that all the four groups of the station will be functioning by 1947, when they will furnish 450 millions of kwh per annum. The first started to function on 16th October. It is thought that the second will be working before the end of this year.

V PETROLEUM

(1) Procurement Machinery

The French civil procurement organisation to take over from the Allied Military Authorities is complete and apart from teething troubles is working reasonably well at present.

The Government machinery, however, is becoming overburdened with officials. This is causing much concern in the Petroleum Industry, which is not being allowed to return to normal commercial channels with anything like the speed that was hoped.

A possibility of breakdown in this direction is not impossible especially for purchases from America, where the Controlling Petroleum Organisations, created for war-time purposes, are swiftly disappearing in favour of commercial enterprise.

(2) Demands for imports October/March

(a) Motor Fuels. Demands submitted amount to approximately 55% of 1938 consumption, which should permit reasonable operation of transport in view of the fact that the fleet and envisaged replacements represent approximately 60% of the prewar total.

Although the percentage figures shown above would appear comparable, it must be borne in mind that an increased mileage is required from haulage transport to cover reduction in rail capacity; further, the majority of foreign vehicles imported are of higher power with greater consumption.

If a basic civilian petrol ration was to be instituted further imports would be necessary.

(b) Kerosene. Demands represent 90% prewar consumption. Free sale on the market is to be instituted during October. It is understood that consumption for domestic heating purposes is unlikely to increase owing to the non-availability of oil-burning stoves.

(c) Automative and Industrial Lubricants. Demands placed are slightly greater than prewar consumption. Indications are that these will be met and made freely available on the market. The increase is due entirely to industrial needs to cover a working and distributional margin, principally for the coal and steel industries and railways, as the result of exhaustion of stocks.

Imports of basic lubricants in bulk for local blending has already been set up and will greatly facilitate transport difficulties and the manufacture of speciality lubricants.

(d) Automotive Gas Oil. Demands have been placed to cover the full requirements of fuel for Diesel vehicles and the free sale is likely to be authorised in October or November.

(e) Furnace Oils - Gas Oil and Fuel Oil. The demands for these two grades for blending into the various specifications if furnace oil, when compared with 1938 consumption, at first appear to be greater. However, a true comparison, at first appear to be greater. However, a true comparison cannot be made on the overall figures in view of the great number of conversions made from solid fuel-consuming units now burning liquid fuels.

The following schedule gives a more detailed view. Figures are in metric tonnes.

Consumer	Demand Oct. 45/ March 46	50% 1938	Remarks
Railways	105,000	Nil	New Diesel Locos.
Central Electric	148,000	Nil	Conversion Vitry-Caen-St. Denis from coal.
Central Heat. hospitals and domestic.	256,640	150,000	Represents 85% of total 1938 figures which quantity is consumed in winter months.
Bakeries	35,000	37,500	
Agriculture and foodstuffs	34,900	62,500	
Mechanical and electrical industry	91,800	127,500	Reduced requirements pending return to full operation.
Chemical	15,000	27,500	
Glass	27,000	35,000	
Textile and Leather	20,600	16,500	
Metallurgy	41,800	23,500	Increase for rehabilitation.
Sundry Industries	29,565	90,000	Reduced capacity
Public Works	35,660	10,000	Vastly increase reconstruction commitments
	840,965	580,000	
Bunkers:			
Inland W.T.	74,400	45,000	
French Merchantmen		500,000	
Sundry	Nil		
	915,365	1,125,000	

It will be seen that if the new consumers are deducted from the above, the remaining industries will be met with adequate fuel requirements.

It may be as well to state here that the French Government policy is by the conversion of domestic and industrial heating equipment to increase the consumption of liquid fuels from approximately 1,000,000 tons p.a. to 4,000,000 tons per annum in 1947, exclusive of liquid bunkering requirements which approximate a further 1,250,000 tons p.a. This increase would be reflected by a reduction in coal imports of between 5/6,000,000 tons p.a.

A large proportion of this increase in Fuel Oil is expected to be met from the French share of Iraq production, which is due to be stepped up during the next two years.

For the coming winter, however, it is extremely unlikely that further conversions can be made owing to the lack of equipment, of which the greater part would need to be imported.

It is probable that world supplies could meet further demands for fuel oil, although difficulties exist in procuring the necessary shipping at the present time, and refining in France will not commence to show any relief until later in the year when increased crude is to be imported. There are also limitations as the result of war damage to the Refineries - see para. 6.

(f) Asphalts. Demands placed for all types of asphalt represent approximately 96% of 1938 consumption. Almost the entire prewar production was obtained from local Refineries and distributed in bulk. The present six months demand of 144,000 would not appear to be readily available; but, even if products can be provided, special tankers are not available to bring this product in bulk. Again, there is a shortage of drums if the products are to be packed, and the lack of handling facilities for packed products would greatly reduce the quantities to be imported.

Stocks on hand are low and with winter conditions ahead it is highly improbable that the much needed repairs to roads will be more than superficial

(g) Solvents, wax, petroleum coke, etc. Adequate working supplies have been demanded and it is felt that there should be no difficulties in supplies being met.

3. Internal Distribution Facilities

(a) Marseilles-Sarrebourg pipeline. On the completion of negotiations with U.S. Military Authorities for the purchase of this pipeline for approximately $8,000,000 the problems of distribution in South-East France will be met until alternative arrangements are made. As far as can be foreseen, this pipeline system will not be replaced by a permanent line. Although present leakage and pilferage results in considerable loss, this system must be maintained for lack of other forms of transport.

(b) Rail Tank Cars. The present number of Rail Tank Cars (all grades, including bitumen), amounting to 4,000 represents 44% of prewar stock and is insufficient to meet the needs of the near future. It is understood that a further 2,000 cars have been demanded from Germany. In addition to the above, 1,300 tank cars are in use by the French Army.

(c) Inland Water Tank Barges. Of the prewar fleet of 613 Tank barges, 127 are lost or in Germany and a further 141 under repair or awaiting repairs, leaving the present capacity at only about 55% of 1938.

Orders have been placed for 50 new motor barges in England, but delivery will not take place until next summer when the general position should be considerably eased.

(d) Road Tank Wagons. The distribution fleet is very old and worn out and the total number of small tankers is only 800. It is hoped to obtain new chassis from local manufacture in the very near future, which will improve the situation greatly.

(e) Sundry Equipment. Demands have been placed for some items of distribution equipment, but no difficulties are expected while throughput remains low and urgent requirements can be manufactured locally.

4. Prospects of world availability

The most recent opinion from the Ministry of Fuel and Power is that world availability of products will permit the full satisfaction of French demands.

The next two months, however, are likely to be fairly difficult as regards shipping, owing to a world wide rearrangement along commerical routes. Difficulties in obtaining shipping have already resulted in reduced imports for September and some authorities foresee continued difficulties until February, 1946. One of the main factors of disruption is due to decentralisation in America.

Further difficulties must be anticipated as the result of present strikes in the American Petroleum Industry.

5. Financial Aspects

One of the major difficulties in meeting the French requirements is that of payment. The following rough estimates of requirements showing possible source will give some idea of the liabilities involved.

Estimated approximate value of Oct.1945/ April 1946 imports for Civil and Military requirements for Metropolitan France and French North Africa	£ 22,500,000	($ 90,000,000)
Purchases from Dollar Sources	15,000,000	60,000,000
" " Sterling "	5,000,000	20,000,000
" " Franc "	2,500,000	10,000,000

These figures are very approximate and depend on cost and freight trends; but it will be appreciated that if sterling sources are only able to supply approximately £5,000,000 of products, the $ 60,000,000 portion which will fall to be purchased from Dollar sources represents approximately one-third of that part of the $ 500 million credit from U.S. which is apportioned to consumable stores.

It therefore appears that the chief factor which will limit French imports is finance rather than availability and shipping.

6. Refineries

Before the war 84% of French petroleum requirements were met from crude oil refined in the country.

As the result of war the prewar refining capacity of approximately 8,000,000 tons p.a. has been seriously damaged and the anticipated throughput for 1946 is estimated at 2,300,000 tons (Table A (page 30) sets out brief details).

The major shortages which require replacement are storage tanks, pits and valves, and some of the smaller refineries will require complete rebuilding.

Until such time as the French Government Refining policy for the future is agreed, it is unlikely those companies with foreign capital will embark on any major reconstruction.

The following quantities of crude are being imported for treatment by Mediterranean Refineries during the last quarter 1945.

	BERRE EX U.S.A.	LA MEDE ex Tripoli	L'AVERA ex Rastanura	Total Tons
Oct.	36,000	30,000	20,000	86,000
Nov.	24,000	55,000	35,000	114,000
Dec.	36,000	77,000	50,000	163,000
				363,000

7. Local Production

(a) Gas. Much publicity is being given to the development of the Petroleum Gas field at St. Gaudens which, although suspected for some years past, was not found by the Germans in spite of surveys by them and is now being exploited. The aim is to produce 500,000 cubic meters of gas per day by December. 1947, to supply the whole south-west of France. The present production is officially quoted at 40,000 cubic meters per day (equivalent 50,000 litres = 37 tons petrol) and is being utilised for automotive purposes and domestic heating.

A pipeline has been laid to Toulouse and Tarbes and it is estimated that approximately 300 tons of coal a day will be saved by the substitution of this gas.

(b) Other local production from shale and synthetic sources is still relatively small, finished products amounting to approximately 1,000 tons per month.

(c) Alcohol Substitution. The use of alcohol for automotive purposes is being stopped and it is anticipated that this will liberate considerable quantities for other purposes.

8. North Africa

The demands for the three North African territories have been scaled up to 1938 requirements. The French Government feel that these countries must be brought back to normal immediately, as they fear political unrest. Should any shortage in world supply require a cut in French imports as a whole, the Government has decided to support these reductions in Metropolitan France, rather than in North Africa.

Distribution machinery in North Africa is fully capable of looking after this programme and is extremely well organised.

The Allies have allocated sufficient small Tankers to provide for coastwise movements in bulk.

The servicing of Allied Military throughout these territories is a French responsibility and is commencing to operate smoothly, although certain misunderstandings on the hand-over from Allied Military still need clarification.

Procurement machinery has been set up well, although the North African representatives are still very indignant at the control imposed by Paris. With the increased scale of supplies this annoyance should prove to be only a matter of domestic friction and should not upset the internal North African economy. Internal friction between fonctionnaires and with industry officials is probably too well known to be worth more than a passing reference, but unless closely followed, may have serious repercussions on the general import programme.

Although the North African finances are controlled from Paris, there still appears to be some doubt as to the extent of the pressure which Paris is able to to exert on the North African Economy regarding the allocation of monies between various commodities. The North African territories are endeavouring to maintain full rights in this latter respect.

Place	Refinery	Owner	1938 Crude Capacity	Position 1st Sept. 1945	Proposed Throughout 1946
MED.					
Port de Bouc.	L'Avere Raffinerie	S.G.H.P. (AIOC)	400,000	Undamaged but great shortage of both skilled and unskilled labour	540,000
Martigues-la-Mede	de Provence	C.F.R. (French)	650,000		900,000
L'Etang-de-Berre	Raffinerie de Berre	Cie des Produits Chimiques and Raffineries de Berre. (French)	550,000		240,000
Sete	Frontignan	C.I.P. (S.v.o.c)	300,000	Bombed 1944. 50%	
			1,900,000		
WEST					
Ambes	Bec d'Ambers (Gironde)	S.R.P.G. (Texas)	350,000	Totally destroyed	-
Pauillac	Pauillac - Shell	S.A.P.J. (Shell)	500,000	Almost totally destroyed	-
Donges	Consommateurs	Les Consommateurs de Petrole.	130,000	Very badly damaged.	-
Donges	Pechelbronn-Ouest.	Pechelbronn Ouest. (French)	250,000	do.	-
			1,230,000		
NORTH					
Gonfreville	Gonfreville	C.F.R. (French)	1,600,000	Storage destroyed	
Port Jerome	Port Jerome	Standard F.P.	1,250,000	Capacity reduced to 522,000 by war damage	220,000
N.D. de Gravenchon	Gravenchon	Raff. de la Vacuum Oil Co.	300,000		160,000
Petit Couronne	Petit Couronne	S.A.P.J. (Shell)	750,000		180,000
Dunkerque	Dunkerque	R.P.N. (Belge)	450,000	Totally destroyed.	-
Courchelettes	Courchelettes	S.G.H.P. (A.I.O.C.)	300,000	Badly damaged.	-
			4,650,000		2,240,000
EAST					
Pechelbronn	Pechelbronn-Markwiller	Pechelbronn S.A. (French)	120,000	Damaged	60,000
Les Thelots	Autun	Soc. Lyonnaise des Schistes Bitumineux	15,000		
			135,000		
	T O T A L:		7,915,000		2,300,000

REFINERY DATA

	Proposed Throughout 1946	Remarks
	540,000	Subject to release of certain storage tanks and pipelines by Allied Mil. can commence operations immediately.
ed	900,000	C.F.R. has started up at 10,000 tons p.m.
	240,000	
50%		Ready to commence at 50% capacity 1st Jan. 1945. At present operating at 8,000 tons per month of Shale.
oyed	-	
y	-	
maged.	-	
	-	
oyed		Complete replacement of storage required for capacity 1,200,000
ced war	220,000	Capable of operating at rate 180,000 as from Jan./46
	160,000	" " " " " " " " " "
	180,000	" " " " " " " " " "
oyed.	-	Needs complete reconstruction.
	-	Operation dependent on bulk supplies through Dunkerque otherwise could commence partial refining soon but not for lubricants
	2,240,000	
	60,000	Refines local crude
		Refines shale.
	2,300,000	

V. FOOD AND AGRICULTURE

(a) General. The problems of food distribution and rationing apply in the main to the urban centres. Foods are produced and available in the various departments of France in a wide variety but the producer always keeps enough to make sure that his own standard of feeding remains equal with that of pre-war and does not deteriorate.

Before the war Metropolitan France was self-supporting in food to the extent of 93% of the tonnage of food and drink consumed, the remaining 7% being obtained by imports from the colonial empire and foreign countries; but in calorie values, domestic production represented 87% and imports 13% (Including large amount of fats and oils).

The normal person consumed on the average 3150 calories per day. The SHAEF target to prevent disease and unrest, was 2,000 calories. At no time either during the occupation or since liberation has the total official distribution of foodstuffs to the normal consumer reached this figure. The highest so far was 1500/1600 calories.

The present short supply of home produced foodstuffs is the combined result of three main causes:

(i) lack of imports
(ii) German requisitions
(iii) Fall in French agricultural production.

(i) (Lack of imports). As already stated, pre-war food imports represented 13% of the calorie value of the normal consumer's food supply, owing to the large amount of fats imported in the form of oil, oilseeds and other fat derivatives. The result of lack of imports has been that, as indigenous production could not supply the deficiency, the balance as between proteins, fats and carbohydrates was upset and the diet became short of one of its most important constituents. The consumer has suffered and is still suffering from low fat ration, although, as will be seen from Table 1 at the end of this section, the ration rate has improved owing to increased imports of actual fats and raw materials for the production of fats for human consumption.

Lack of imports, particularly animal feeding stuffs and fertilisers, seriously affected agricultural production with the result that yields per hectare showed a steady decline during occupation and reached a low water mark in 1945 - see Table 2.

(ii) (German requisitions). During the occupation, German requisitions played an important part in reducing food supplies available for the civilian consumer, though on occasions too much stress has been laid on this factor. While the Germans certainly took large amounts of all the main commodities, particularly meat, the most important result of these requisitions was the disorganisation of the food supply system, resulting in illegal transactions and the black market. It has been estimated that requisitions deprived the civilian consumer of approximately 2,400,000 tons of foodstuffs per year and decreased the calorie value available by approximately 202 calories per day.

Requisitions of agricultural requirements, such as cattle feedingstuffs, horses, tractors and so forth, played a leading part in the fall of French agricultural production from which it is still suffering severely.

(iii) (Decline in production). Of the three main causes of the present food situation, the most far-reaching has been the decline in French agricultural production. The average fall has been about 20% and has been most serious in wheat, meat, milk and dairy products, all highly important nutritionally and difficult to replace.

The general decline has resulted from several causes. Lack of fertilisers has bought about a steady impoverishment of the soil, and to this must be added lack of fungicides and insecticides which has been most severely felt by wine, fruit and potato growers. Shortages of agricultural machinery and equipment and the lack of spare parts to carry out repairs have resulted in a heavy depreciation of all farm equipment. The requisitioning of horses, by

the Germans, with the consequent delay and inability to carry out farming operations, has helped to reduce farming operations. Finally, the decline in available man power owing to deportations to Germany and the absence of farm workers as prisoners of war still further aggravated the situation.

In addition, France has suffered four years of extremely dry summers, the effects of which have been particularly severe in the area south of a line running due east from the mouth of the Loire.

At the present time, the French farmer is in a state of despondency owing to all the causes mentioned. In addition, he is uncertain of the value of the franc and therefore inclined to hold on to his products. Moreover, he is at present practically unable to purchase what he needs for his work, whether machinery, implements, fertilisers, livestock or clothing.

(b) Emergency Imports. During the "military period" certain imports of machinery, seed wheat, seed potatoes and binder twine were made:-

Threshing machines	92	Units
Tractor Ploughs	1,568	"
Harrows: Spike tools	1,624	"
Disc	272	"
Tractors	813	"
Grain drills (Tractor)	407	"
(Horse)	710	"
Potato Diggers	123	"
Binder Twine	22,070	Tons
Seed Potatoes	30,000	"
Seed Wheat	30,000	"

These were small amounts of machinery, owing to the SHAEF directive that only imports necessary to prevent disease and unrest which might interfere with military operations should be agreed to. They therefore, constituted a fractional part of the country's requirements. In the case of seed wheat and potatoes, the amounts were governed by estimates of the crops necessary to implement the food ration scale, based on the previous year's crops. Owing to shortages of manpower and equipment, only 40% of the normal winter wheat crop acreage was sown in the autumn of 1944. This left a large acreage to be sown in the spring, with the attendant difficulty of spring wheat imports. Arrangements were made for the import of spring seed wheats of Canadian origin.

It was also necessary to arrange for the import of seed potatoes to supplement those that the French themselves could provide.

Unfortunately, the imports of both seed potatoes and seed wheat arrived late, so that sowing was delayed. This late sowing coupled with the drought which started in the early summer resulted in low wheat and potato crops. The potato crop was further affected by the ravages of the Colorado beetle.

By the beginning of August, 1944, the food situation had deteriorated to such an extent that national rationing was dicontinued and regional control took its place. The effect of this change was reflected later in the unwillingness of surplus areas to export to deficiency areas when national rationing was once more introduced. Bad distribution and transport difficulties had also contributed to food shortages, with the result that the rations in the large towns were almost the lowest in Europe and well below the SHAEF target figure of 2,000 calories per day.

The French Ministry of Food was faced with the problem of obtaining immediate supplies to maintain and, if possible, increase its low ration scale. Requests were submitted to SHAEF for the months of September, October, November and December, for certain main foodstuffs; but unfortunately these were not forthcoming during the months in question.

The necessity of coordinating imports under the Military Programme with the eventual French civil imports led to the submission of the Target Relief Import Programme to cover the months 1st November, 1944 to 1st March, 1945 and to the National Civil Import Programme for the period 1st November, 1944 to 1st July, 1945. Under the Military Target Relief Import Programme, France was to receive a total supply of 223,274 net long tons.

The programme was put forward on the assumption that the period of military responsibility would end on 1st March, 1945. There was also the proviso that SHAEF would only bring in these imports if shipping, port capacity and the military situation justified them. The amounts in the programme were calculated on the basis of maintaining the current French ration, but unfortunately importations lagged and the total amounts were not implemented until the month of July.

At the same time as the Military Import Target Programme was submitted, the French Government submitted its programme for Civil Imports to cover the period 1st November, 1944 - 1st July, 1945. This programme included the Military Import Programme. As originally submitted, it consisted of 493,000 long tons of foodstuffs, plus 392,000 fats and soap. Total 885,000 tons.

Later this programme was revised and consisted of:

Foodstuffs	669,900 (including 250,000 wheat)
Oil and Fats	126,400
	795,300

The French Civil Import Programme was based on port and inland transportation capacity as well as actual needs. It was designed to increase the French normal consumer's low ration of 1390/1400 calories per day by a further 200/230 calories per day. The programme was very modest and in reality insufficient to meet the nation's needs. This was realised by the French authorities at the time, but they were prepared to accept the programme in view of the Allied Military requirements in France. Once again, unfortunately, delivery did not coincide with the periods for which the allocations were made, with the result that the programme instead of being completed by 1st July will only be completed in October. Owing to the delay in deliveries, it was necessary for the French to ask for an immediate loan of sugar and fats to enable them to maintain their present ration scale until indigenous sugar supplies become available and adequate arrangements can be made for the conversion of oilseeds into edible fats.

These loans consisted of 50,000 tons of sugar to be repaid by the French from their C.F.B. allocation and 10,000 tons of fats in the form of margarine and compound.

A consistent difficulty has been the lapse of time between the date of the submission of the French demands to the C.F.B. and the eventual delivery of the foodstuffs in France. This time lag has contributed to the fact that the Civil Import programme will only be completed three months after the target date of 1st July, 1945. On occasions, delay in delivery has been due to the French failing to make adequate shipping arrangements long enough in advance. Owing to the inclusion of the Military Import Target in the Civil Imports programme the variation in tonnages owing to substitutes and the import of unprogrammed foodstuffs, it has not been possible to make a detailed comparative table. By 31st July, under the military programme with a target of 223,274 tons food, 323,038 tons had been imported, whilst the total tonnage of food imported under this head including oilseeds was 327,480 tons. Table 3 shows:-

Following is the realisation of food imports from all sources whether programmed or not, up to 31st August, 1945

Total allocations less loans	1,538,710
" arrivals including loans	748,665
Balance to complete programme	790,045

(c) 2nd Semester, 1945. The programme for the 2nd semester of 1945 was based on two hypotheses; one that the war in Europe would continue and the other that it would end. The amounts of food and agricultural imports were as follows:

	Hypotheses 1	Hypotheses 2
Food	1,442,750	2,847,750
Agriculture	978,000	1,664,000
	2,420,750	4,511,750

The considerable increase under hypothesis 2 was based on the release of shipping, increased port capacity and additional food requirements.

Three main reasons had contributed to the need for higher food and agricultural imports.

1. The necessity to import cereals into France which had not been foreseen six months previously;

2. The acute sugar position;

3. The meat problem.

Owing to the drought and the consequent fall in French wheat production, the demand for cereals had had to be increased to 1,300,000 for the 12 months July, 1945 to June, 1946. Owing to the large quantity required and the amount of shipping involved, it is essential that 500,000 tons of the total amount should be supplied during the second semester 1945.

As already pointed out, it had been necessary for the French to ask for a loan to meet the sugar position; and a request was also made that they might draw against their 4th quarter meat allocation owing to the acute position which had arisen on account of short indigenous supplies and the non arrival of the 3rd quarter allocation at the beginning of the period.

So far no detailed figures have been submitted for 1946, but it will be necessary for the French to receive at least the same amounts for the first semester of 1946 as for the second of 1945. In round figures they will require 2,000,000 net long tons food, 1,000,000 net long tons fertilisers and 1,000,000 net long tons other agricultural requirements, particularly cattle feed and seeds.

One of the big problems of the winter will be food, second in importance to coal. Agricultural requirements such as feeding stuffs for immediate needs will also be essential and fertilisers to enable the land to be treated so as to improve the yield for the 1946 crops.

Supplies of fertilisers have been practically non existent during the last three years, and ever since the German occupation stocks and production have steadily decreased.

Up to the end of August, 1945, the following imports of cattle feed, fertilisers and insecticides had been received:

Cattle feed	28,632 tons
Fertilisers	339,635 "
Insecticides	131,856 "

The needs for the 2nd semester 1945 amount to 2,000,000 tons in all and in order that the 1946 production should not fail it is essential that these amounts be made available and imported.

The momentum of food and agricultural imports has steadily increased:-

Month	Food	Agriculture	Total
January	19,635	8,891	28,526
February	30,508	15,392	45,900
March	44,793	45,018	89,811
April	34,647	89,496	124,143
May	64,686	55,978	120,664
June	157,657	52,171	209,828
July	211,497	88,896	300,393
August	308,995	208,682	517,677
	872,418	564,524	1,436,942

(d) Distribution and Rations. The French original port clearance target figure was 40,000 tons per day. This has been reached. Further improvements will be limited by inland transport and clearance from the ports. As imports increase, so will the need of railway wagons be felt. The increase of indigenous factory and coal production will tend to cause a bottleneck in transport. It is essential that France should have sufficient railway wagons, motor lorries and barges to cope with the rising scale of imports.

Turning to food distribution during the latter part of 1945 and the first four months of 1946, the Ministry of Food is faced with the problem of maintaining the present ration scale with certain modifications.

Generally, throughout the winter months, the food supply will show a somewhat better variety than that which existed during the winter of 1944/45; but it is not envisaged that the calorie value for the normal consumer can possibly exceed 1700/1800 per day. Taking the five main foodstuffs, bread, potatoes, fats, meat and sugar in detail, the position is as follows:-

(i) Bread

From November 1st, it will be taken off the ration. The Ministry of Food consider that the decontrol will not increase consumption. This contention is based on the fact that at the present time a large number of consumers do not take the whole of the 350 gms. daily ration to which they are entitled. At the same time, the question of increased consumption is closely tied into potato supplies.

(ii) Potatoes

This year's crop has been disastrous, with the result that the amount of potatoes available to the non-producer consumer cannot exceed 25 kilos per head for the whole period until the next crop is available. Comparing last year's figures,

Period	Total Crop	Non-Producers (available for)	Per Head
1944/45	8,000,000	2,900,000	50 kilos av.
1945/46	6,000,000	1,000,000	25 kilos av.

The effect of this will be serious on the food situation during the winter and as already noted may have repercussions on the bread situation. The shortage of potatoes is also disastrous as owing to the shortages of other foodstuffs a greater demand has grown up than in pre-war years. The demand will further be increased owing to the increased fat ration starting in October.

(iii) Fats

From October, the Government is raising the fat ration from the present figure of 500 gms. per month to 600 gms. It is hoped to be able to maintain this figure. Unexpected difficulties in the processing of imported raw materials, particularly in regard to the shortage of solvents, especially trichlorethyline, had been experienced, hence the request in July, previously mentioned, of an immediate loan of 10,000 tons of processed fats for each of the months July, August and September to maintain the current ration of 500 gms. per month. Other difficulties encountered have been coal shortages, unexpected breakdowns of plant, and difficulty in moving the finished products away from the refineries, which are situated in the Marseilles area, owing to American redeployment. This latter difficulty has considerably improved since the end of the war in Japan, but coal and general transport problems will continue during the winter.

(iv) Meat

It is hoped to maintain the meat ration consisting of butchers' meat and Charcuterie at 250 gms. per week until January.

Requirements for the year 1945/46 based on a ration of 200 gms.		748,000 tons
Deficit	200,000	
Requirements on basis of 250 gms.		864,000 tons
Deficit	327,000	

The above deficit figures are a minimum based on a productive figure of 537,000 tons available for distribution. The position is further complicated by the introduction on the 1st October of the new meat regulations, whereby the Commissions d'Achat, a "Vichy" organisation, has been abolished. This has removed the system of impositions and allows freedom of sale to the producer. At the same time prices have been raised.

To what extent these measures will induce the producer to put more meat on to the market is at present unknown. It will be essential that imports be obtained to meet distribution during January-April, 1946.

(v) Sugar

No definite figures are as yet available for the new season's crop.

Pre-war consumption required a home production of 800/900,000 tons of which approximately 20 kilo per year went to each normal consumer. It is hoped that the crop may reach 350/400,000 compared with 500,000 tons last year, but at the present time it is very uncertain. It would appear that arrangements have been made whereby sufficient coal will be available for the refineries thereby avoiding the production loss which occurred in the 1944/45 campaign.

It is not proposed to increase the present ration of 500 gms. per month normal consumer. To maintain the sugar ration cuts have been made in all sugar for industrial purposes; supplies have been reduced to about 12,000 tons per month, made up roughly as follows;

Chocolate for children	3,400 tons per month
Jam " "	3,000 " " "
Biscuits	1,300 " " "
Baby foods	1,500 " " "
Medical requirements	1,100 " " "
Miscellaneous	1,700 " " "

(vi) Fish

The Government is making strenuous efforts to improve the fish supply so as to counteract to some extent the meat shortage. At the present time, Paris is receiving 250 gms. per normal consumer per month, but it is hoped to raise this to 500 gms. per week, particularly during the months of December and January when the French herring season is in full swing. The chief difficulty is the shortage of fishing craft and gear to refit boats at present out of commission. It is this shortage of craft more than any other reason that is preventing a larger distribution of fish throughout France.

(e) North Africa. Mention must be made of the catastrophic cereal position in North Africa in the case of cereals as the result of the lack of rain in the winter of 1944/45. Cereals form the main food supply for both human beings and animals, and owing to the poor crops after deducting seed requirements little was left for human or animal consumption. As alternative indigenous foodstuffs are not available, arrangements have had to be made for large imports; Requirements:-

Seed	779,700	tons
Human Food	2,215,845	"
Animal food	998,600	"
	3,994,145	"
Indigenous production	1,290,000	"
Deficit to be imported	2,704,145	"

This importation was required to be spread over twelve months equally or at the rate of 226,000 tons per month and to commence as soon as possible, namely July, 1945.

(f) Conclusion. To sum up, the food position in France during the coming winter will depend on

(a) the way in which the producers react to the steps the Government have taken to assist them by better prices, freedom of sale, provision of goods, i.e. shoes and clothing and partial return to pre-war conditions;

(b) the extent to which the producers react to the Minister's appeal to produce the maximum and make sure that the large towns do not suffer food shortages through the fault of the farmers;

(c) assistance in obtaining the imports asked for both foodstuffs and agricultural requirements and the necessary shipping to bring them in;

(d) assistance in improving inland transport, rail road and water;

(e) assistance in providing the return of fishing boats and the supply of necessary gear and equipment for those at present laid up.

The most difficult periods will be during the first quarter of 1946 and again in the months of May and June. If the latest French figures on production are implemented and the imports asked for are brought in without delay, the Government hopes to tide France over the winter with a higher calorie diet and a little more variety than last winter. But even so, the diet to the normal consumer will not reach the figure of 2,000 calories per day regarded as the minimum to prevent disease and unrest. The picture is grim, but less sombre than last winter, owing to the small distribution which will be available.

It remains to be seen whether the improvements in food plus warmth will be sufficient to prevent unrest during the second winter after liberation.

Table 1

Monthly distribution in grams based on Paris returns

Commodity	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	August
Bread	10850	10500	10850	10850	9800	10850	10500	10850	10500	10850	10850
Meat (all types)	1000	982	1110	910	760	590	370	570	490	665	750
Fats	250	250	200	300	200	500	400	500	350	500	500
Sugar	500	500	NIL	500	500	500	500	500	500	500	500
	Daily Calorie Values of all Foods distributed										
	1550	1148	1218	1135	1296	1515	1337	1470	1302	1528	1431

Table 2

PRODUCTION

in '000s Metric Tons

Main Cereal

	Pre-war Average	1940	1941	1942	1943	1944	1945
Wheat	8000	5060	5580	5480	6380	6460	4300
Rye	783	539	362	349	343	335	200
Oats	4736	3230	2700	2993	2810	2495	2600
Barley	1090	917	789	765	715	637	600

Potatoes

	Total produced	Available for Domestic Consumption
Pre-war	15,775	7,000
1943/44	13,000	5,770
1944/45	8,000	2,900
1945/46	6,000	1,000

Sugar Beet

	Total Produced	For Sugar	Sugar Produced
Pre-War	8,334	5,934	930
1943/44	6,000	4,250	416
1944/45	5,200	4,420	285(i)
1945/46	3-4,000(ii)	No information	350(ii)

(i) due to lack of coal
(ii) estimated figures at present

Milk

	Total Production
Pre-War	14,300
1943/44	10,500
1944/45	7,000/7,500

(Supplied by Ministere du Ravitaillement)

Table 3

Realisation of Import to 31st August, 1945
(in Metric Tons)

Product	Place of Origin	Allocations		Arrivals		Percentage of Allocat'n.
		Tonnage	Period	August	Totals	
Wheat	U.S.A.-Canada	330,000	1st 6 mths.	93,416	248,126	77%
Flour	" "	-	-	-	4,488	
Sugar Raw	U.S.A.-Cuba					
	Antilles	317,560(1)	12 months	16,418	92,640	
	Reunion			5,000	5,000	
Sugar Refined	England	50,000(2)	Loan	5,329	6,329	12.6%
Lard	U.S.A.	31,000	12 Mths.	80	28,200	91%
	Argentine	2,000	"	-	-	-
Edible Fats	Canada	1,300	"	-	353	27%
	Australia	3,500	"	-	-	-
	Argentine	2,800	"	-	-	-
Groundnuts	C.O.A.	95,000	"	14,228	70,180	73%
	Indes	77,500	"	8,000	14,500	18.7%
	A.O.A.	11,750	"	2,400	14,872	126%
	Argentine	21,250	"	-	3,980	19.2%
Palm Kernels	C.O.A.	137,500	"	4,475	36,540	26.5%
Palm Oil	C.O.A.	23,000	"	3,557	4,260	18.7%
Copra	C.O.A.	3,350	"	801	1,024	30.7%
Karitie	C.O.A.	7,750	"	2,375	3,420	68%
Groundnut oil	C.O.A.	3,000	"	250	1,800	60%
Linseed	Argentine	45,300	"	1,005	10,980	24.2%
	Indies	11,000	"	615	8,330	75.7%
	Canada	33,300	"	-	2,250	6.8%
Margarine	England	10,000(3)	Loan	1,943	1,943	19.4%
Soya	U.S.A.	112,000	12 mths.	17,000	43,775	39%
Maize	U.S.A.	110,000	"	-	16,125	14.5%
Rice	U.S.A.	8,400	1st 6 mths.	-	3,146	37.4%
Pulses	U.S.A.-Argentine	30,000	"	972	20,792	69.3%
Milk and Drice	U.S.A.	40,700(4)	"	1,618	15,482	
Cocoa	C.O.A.	40,000	12 mths.	4,964	23,712	59.3%
Coffee	C.O.A. Madagascar	32,750	1st 6 mths.	10,998	27,852	85%
Meat: Canned	Argentine	2,750(5)	Not in	227	1,780	65%
Frozen	Madagascar	-	Monet Plan	3,074	6,820	
Fish: Frozen	England	4,250	"	-	1,000	23.5%
Salt	England	-	"	1,467	3,367	
	A.F.N.	-	"	1,131	7,350	
Onions	A.F.N.	-	"	2,054	2,054	
Wine	A.F.N.	-	"	8,565	16,195	

(1) Equivalent to 350,000 short tons. Includes 34,500 tons under military plan. Percentage total about 41.5%.
(2) Special loan from England. To be repaid from French West Indian allocation.
(3) Special loan from England. To be repaid in part by groundnuts allocated to French in India.
(4) Includes imports under military plan, which on 31st August amounted to 11,325 tons. Percentage of total about 65.8%.
(5) Gift by Argentine Government to France of 5,000 tons carcase meat. Changed to canned owing to lack of refrigerated shipping.

VII - PORTS AND TRANSPORT

(a) Clearance of Imports

It was obviously essential for a country which before the war used to import some two million tons of goods per month by sea, to recreate the necessary machinery. With valuable aid from the Allied Military Forces, the French have, in fact, produced some order out of chaos. The crippled ports of September, 1944 are now receiving just under 40,000 tons per day of civil cargo, including coal but excluding P.O.L., in addition to moving men and material through Le Havre and Marseille under the U.S. redeployment scheme. These loads are moreover being effectively moved without undue delays to and from the ports, thanks to an efficient mobilisation of the remaining road, rail and waterway transport facilities. So far, so good; but this has not been achieved without straining the facilities to the limit; and it is anticipated that in the near future, probably about the end of the year, inland transport facilities will become the main bottleneck in import reception capacity.

(b) Road Transport

The roads of France are not in bad shape considering, except in those regions which had to carry heavy military traffic, but everywhere, thanks to patchwork repairs, they are functioning almost normally. It is estimated that they will not be back to 1938 standards, however, before 1948 and meanwhile the major part of the repairs being effected are makeshift, aiming simply at keeping the roads open.

In 1938 there were 500,000 commercial vehicles operating in France. This figure covers the whole range from light vans to heavy lorries. At Liberation the corresponding figure was 190,000. It has now risen to 225,000, while a further 105,000 are potentially available if difficulties as to spare parts and tyres can be overcome. The overall situation is, however, much worse than these figures indicate, on account of the mechanical deficiencies in the vehicles, bad condition of tyres (80% worn out as against 40% before the war) and lack of spare parts. Immediate lorry requirements by way of imports submitted for this year total 27,000 vehicles. Allocations were agreed up to 23,000 from civil imports and 4,000 by SHAEF. The main effort is being directed towards domestic production, which by the end of 1945 is expected to pass from the current 2,500 units per month to 3,000; that is to say, a total of 36,000 in 1946. This production will represent one quarter of French capacity, the limitation being want of tyres, in spite of the fact that the French expect to obtain allocations of synthetic rubber and of crude rubber from Indo-China which will enable them to work their tyre production to full capacity, it being assumed that they will overcome current difficulties regarding the textile fabric. At present they are working on the synthetic materials turned over to them by the U.S. Army, together with 16% of crude rubber. Their target is mounting and will continue to do so in proportion to the increased percentage of crude rubber of which they are able to dispose; for if they are able to work on 50% synthetic and 50% crude their production will be 20% increased, while if they can work entirely on crude, production will be 30% increased. In this connection it has been mentioned to a representative of the Embassy that whereas up to the 1st July the French had received allocations of new British tyres against their colonial requirements, as from that date these allocations were stopped. They point out that if the allocations could be renewed this would lessen the strain on French domestic production and thus speed up the rehabilitation of their road transport.

It should be mentioned that the French are not anxious to procure surplus military vehicles except on very favourable terms, since they consider these unsuitable for normal civil requirements.

(c) Inland Waterway Transport

In 1939 the Inland Waterways of France disposed of 12,640 barges (about 2,500 of which were laid up) including 1,200 foreign craft, mostly Belgian. The total tonnage amounted to 4,815,000. Tugs employed numbered 425 (175,000 h.p.) while 1,200 tractors were used on 3,610 kilometres of canal bank. In 1938 this equipment carried 45,018,000 tons of goods (37% of which was solid fuel) for an average distance of 183 kilometres.

Navigation came to a standstill at Liberation; but such progress had been made with restoration of the waterways by early in 1945 that navigation became possible

with very few exceptions. On the 15th June, 1945, only 594 kilometres remained to be opened, in addition to 25 installations to be repaired on other sectors.

When Liberation came only 5,300 craft (47% of the 1939 total) remained, and the number of tugs was reduced to 200. It is estimated that the equipment now available is capable of carrying about twenty million tons of goods per annum; and given further repairs to the waterways the figure might be increased to twentyfive million tons, about half the 1938 tonnage.

(d) Rail Transport.

The figures in the attached graph (annex 2) concerning the rail transport situation afford insight into both the degree of rehabilitation achieved and the extent to which equipment still falls short of pre-war standards. From the pre-war stock of 18,000 locomotives, 30,000 passenger coaches and 450,000 goods wagons, thousands were taken away by the Germans. Of those left, only 3,000 locomotives, 6,000 passenger vehicles and 100,000 goods wagons were found to be in any way serviceable at the time of Liberation. An inventory of 7th September, 1945, showed 2,157 French locomotives in Germany and 13,584 in France, of which 5,356 were immobilised for repairs. Of the 13,584, 4,202 were steam passenger engines, 6,648 steam goods engines, 1,990 steam shunting engines and 744 electric engines. During the week 8th to 14th September the locomotives in working order numbered 7,558 steam (including 585 Allied) and 562 electric.

The French have ordered 700 locomotives from the U.S.A. which are now beginning to arrive. Delivery should be completed early in 1946. They hope to procure a further lot of about 700 locomotives from the U.S.A., including some 30 to 100 Diesel locomotives. French production, which was at 600 units per annum in 1938, is to be used to its full capacity; but is unlikely to exceed 300 in 1946. The French also hope to recover about 200 units from Germany. It is improbable that any further locomotives will be imported after completion of the orders mentioned above.

As regards wagons, in the second week of September, 1945, there were 245,000 available, of which 42,000 in bad condition and 78,000 foreign. Against the large deficit -

38,000 are to be ordered in the U.S.A.

21,000 are to be built in France from imported components.
11,000 have already been ordered in France

10,000 have been ordered from the U.K., of which 3,000 have already been received

10,000 more are under consideration, some of which would come from Belgium;

making a total of - 90,000.

In addition the French are hoping that something approaching 100,000 may be recovered from Germany. They are naturally aiming at keeping French production at the level which can reasonably be expected of it, which appears to be some 20,000 wagons per annum.

At the present low level of industrial activity, all essential civil traffic requirements (which have so far not surpassed one third of what they were before the war) are being satisfied as far as rail movements are concerned. In addition, the French have been able to cope so far with the increasing flow of imports, largely as a result of the progressive reduction in Allied military traffic which, after representing between 44 and 51% of the total wagon loadings from October, 1944, to April, 1945, has now fallen to 15% of the total and is still decreasing. (It is estimated that this includes 10% in respect of redeployment, which is expected to continue, though at a decreasing rate, throughout the Winter.)

On the other hand, the imported raw materials, which have so far been finding their way to the factories and have there been immobilised for lack of coal, are now beginning to reappear as finished articles calling for distribution. Moreover, during the next few months the transport of the beet and potato crops will cause an additional load. It is estimated that these movements, together with those of coal,

[illegible]l strain the rail transport facilities to the limit, fully absorbing (a) the 20% increase in wagon loadings anticipated by the end of the year, owing to repairs to wagons and to bridges and marshalling yards which will shorten the journeys and thus the average turnround per wagon, and (b) the 1,200,000 tons increase in the monthly rail capacity which will result from the import of 30,000 wagons and of 700 locomotives to be carried out before next spring. Thus, as said above, inland clearance will be the effective limitation of imports during the first semester of 1946.

(e) The Merchant Marine.

(i) Pre-Liberation figures. The French Merchant Navy was never large enough to meet French requirements. In 1901 it was the third Merchant Navy in the world; in 1939 it was the eighth.

Moreover it was one of the last modern afloat. It included only 13 per cent. of vessels of less than five years old and only 12 per cent. of the total tonnage was motor driven.

Immediately before the war the total tonnage was composed of 880,000 tons of liners, 1,737,000 tons of cargo and mixed passenger/cargo vessels, 400,000 tons of tankers and 87,000 tons of special vessels and banana vessels.

This fleet, which was too small and too old, was to suffer more heavily in this war than in that of 1914 to 1918. By Dunkirk 280,000 tons had been lost. The losses were still heavier both in that part of the fleet used by the Germans and in that which rallied to the Allied cause. To those losses were added those caused by sabotage in Marseilles and the South-Eastern ports.

At the 1st August, 1944, the French commercial fleet consisted of 228 vessels of a total of 849,110 GRT. At the 15th May, 1945, it consisted of 257 vessels of a total of 970,321 GRT.

(ii) Purchase and chartering of existing vessels.

(a) U.K. Since the 15th May, 1945, the French have purchased and received delivery of 8 British "Empire" vessels -

of a total of 52,477 GRT.

This purchase included additionally 2 vessels which are at present under construction, totalling together -

17,000 GRT.

One of these is to be delivered in November and the other at the beginning of 1946.

Additionally a second series of 10 "Empire" vessels has been purchased and is now in course of delivery, totalling

58,000 GRT.

(b) U.S.A. The French have also received on bare boat charter from the U.S.A. 13 Liberty ships, totalling -

88,154 GRT.

(iii) Salvage

Recoveries in French and foreign ports have added to the above

105,000 GRT.

most of which, however, require repairs. There are probably something like one-third of these already in service.

(iv) Total fleet to-day (including under repair)

The grand total reached by adding the purchased "Empire" vessels, the chartered Liberty ships and the recovered French vessels to the availabilities

shown above as at the 15th May, 1945, is about -
2,140,000 GRT.

(v) Reconstruction plans.

The total programme for the reconstitution of the commercial fleet includes
(1) the construction in France of about 1,000,000 GRT during the five coming years
(2) purchase abroad during the same period of 500,000/750,000 GRT,
(3) the procurement by charter or purchase from abroad of "transition" vessels totalling 500,000 GRT at least, in order to meet the more immediate needs while the better class vessels are being built.

Of the above, a first lot of 350,000 tons of merchant vessels and 254,000 tons of fishing vessels is planned to be laid down in 1945/46. The completion will take place during 1946, 1947 and 1948.

Negotiations have, it is believed, been concluded in the U.K. for the construction of 24 vessels of various kinds totalling 53,500 GRT, while the purchase of 4 further vessels totalling 68,450 tons is understood to be under negotiation.

The French are also hoping to have vessels constructed for them in Denmark and Sweden. The question of orders to be placed in Canada and the U.S.A. will depend upon the financial arrangements than can be made.

(vi) Subsidies to Merchant Shipping

The Merchant Marine budget for 1945 includes Frs. 43,000,000 for the Credit Maritime, the fund set up in 1928 to assist French shipowners to meet the high interest charges on funds borrowed for the construction of ships. It is, in fact, a subsidy on ship construction and the amount now included represents payments due in respect of vessels constructed up to 1940, when the scheme lapsed. There is also a nominal figure of Frs. 300,000 for assistance to former shipowners under the Tasso law which provided a daily subsidy to shipowners to compensate variations in freight rates. Most of this subsidy is inoperative for the time being because of the requisition of all ships by the State. A further subsidy is the Frs. 362,062,000 paid to French shipping companies for postal service. The budget contains an item "funds for the renewal of State vessels", but the amount is not fixed since it is impossible to know what the cost will be. Similarly the item for purchase, building and repairs is maintained without a figure in order to allow the eventual carry-over of credits destined for the purchase of ships from abroad.

Frs. 100,000,000 are proposed for re-floating and putting back into service all Messageries Maritimes vessels, in accordance with the contract between the Company and the State, by which the State guarantees the Company against war risks. The ordinary allowance under the contract was, however, inadequate to carry the heavy cost of this work and a new heading is inserted in the budget. It is anticipated that four vessels will be restored to service in 1945.

It will be seen that the French authorities provide for the grant of subsidies to French Shipping Companies and are already building up the funds received for the reconstruction plans described above.

(vii) French position under UMA.

The French joined the United Maritime Authority (UMA) on the 15th March, 1945, and on the 26th April, 1945, joined the U.K., U.S.A., the Netherlands and Norway on the United Maritime Executive Board (UMEB). Under the UMA arrangements the French have re-assumed control of their entire merchant fleet (this excludes hospital ships and troopers) which they can now use solely for the satisfaction of their own needs.

Moreover as members of UMEB the French participate in the control of the total United Nations tonnage and by this means are able to obtain the assistance as required from vessels other than their own to carry out their import programme.

It is, of course, almost impossible to fix the actual carrying capacity of a merchant fleet, since this obviously depends upon the turnround per voyage, but a French source has estimated the capacity of the French fleet at 3,000,000 tons annually, excluding p.o.l. As the French will probably hope to import during 1946 some 20,000,000 tons of civil cargo (excluding p.o.l.) it is obvious that they will have to request the assistance of UMA for the greater part of their imports.

It is worth noting that at present all ships under the French flag have been requisitioned by the State and that the Minister of Public Works and Transport said in the Consultative Assembly in March last that it was the intention of the Provisional government to refloat not companies but ships.

VIII - RECONSTRUCTION AND HOUSING

The damage done to houses and agricultural land, apart from damage to industrial installations, and progress in the clearing of areas, in the repair and building of houses, the clearing of mines and so forth, is an important factor in the situation. M. Dautry, Minister of Reconstruction and Housing, has estimated 1,800,000 houses partially or totally destroyed, 370,000 hectares of agricultural land out of cultivation through mines and 100 million mines to be cleared. In addition there remains an enormous problem of rehousing those who have lost their homes, of providing shelter for those engaged on various jobs and of clearance of debris. The Minister likewise estimated, early this year, that the work would involve an expenditure of Frs. 200 milliards over a period of 10 years, involving 500 million man hours labour on clearance, 10,000 million on rebuilding and 600 million on mine-clearing. Materials needed were stated to be -

Slates	1,500,000 tons.
Tiles	3,500,000 tons.
Cement	1,000,000 tons.
Plaster	8,000,000 tons.
Bricks	50,000,000 bricks
Timber	15,000,000 cubic metres
Glass	20,000,000 sq. metres

Special teams for mine clearance have been established and, despite delay in obtaining mine-detectors (of which 1,500 were available in July as against non in March and an estimate of 4,600 in October), some 185,000 hectares have been cleared of mines, and it is expected to complete the work next year. Three quarters of the ruined areas have been cleared and the remainder will be cleared during the early part of next year. Of the 1,361,000 houses partially destroyed, 200,000 have been fully repaired and 300,000 given temporary repairs, but no rebuilding of totally destroyed houses has been possible for lack of materials.

Provision of temporary huts for the homeless and for workers engaged on clearance and reconstruction has been given high priority, and imports of prefabricated huts have taken place, although it is hoped further imports will not be necessary next year. Over one million and a half square metres of huts have been erected, although there have been difficulties over pipes for water supply, glass etc. Other figures of progress under this heading quoted by M.Dautry are 50,000 square metres of planking laid and 60,000 square metres of agricultural storage space constructed.

IX - LABOUR QUESTIONS

(a) Employment

There is no official scheme of insurance against unemployment in France, but small public assistance grants are made to registered unemployed workpeople. In consequence few able bodied unemployed register at the employment exchanges; the latest figures show no more than 13,000. There are certainly more than 13,000 people out of work in the country, and there is also much under-employment in many industries. Employers are retaining their skilled workmen, of whom there is a shortage, even when they cannot keep them fully employed, in the hope that business will soon improve. On the other hand, labouring work is available in agriculture and reconstruction (ports, roads, debris clearance, etc.). It has to be remembered that the black market and its fringes provide an easy living for some people who might otherwise be in regular work.

There exists, therefore, the somewhat paradoxical situation of an official shortage of labour at a time when industry is producing at far below its capacity. Later on, when coal and raw materials become available in greater quantities, France will need many more workers both for industry and for reconstruction. More than 300,000 prisoners of war are already working in Agriculture, mining, public works, etc., and this figure is to be increased in July, 1946, to $1\frac{3}{4}$ millions, of whom nearly $1\frac{1}{2}$ millions will be employed on reconstruction (including industries producing building materials). The Government is anxious to resume immigration and has promised to publish the outlines of a new scheme before the end of the present year.

(b) Attitude of Labour towards Employers and the Government

There has been a great revival of trade unionism in France since Liberation; the two industrial labour confederations, the C.G.T. and the C.F.T.C. (Catholic trade unions) now claim $5\frac{1}{2}$ million and 1 million members respectively. On the other hand, the employers' associations have not yet been revived. The period since liberation has witnessed a swing to the left in politics, accompanied by demands for nationalisation, a share of management in industry, etc. There was an outcry for the purging of collaborators (any employer who had worked for the Germans, whatever the circumstances, was regarded as a collaborator); and consequently, up to the present, there has been no sign of a revival of employers' associations, although their reappearance would not be entirely unwelcome to the labour confederations.

Towards the Provisional Government the attitude of the Labour confederations has been one of full co-operation in the economic reconstruction of the country. They must be careful not to lay themselves open to the charge that failure to get industry back into production or the rebuilding programme started was due to their obstructive tactics.

(c) Measures to relieve the labour shortage

The French Government have arranged to receive 1,750,000 German prisoners of war by 1st July, 1946, mainly to assist with the reconstruction programme. This labour force will be allocated as follows:-

Reconstruction and demining	1,400,000
Agriculture	150,000
Forestry	80,000
Mines	50,000
Pit props	25,000
Electrical industries	20,000
Electricity Schemes	15,000
Various	10,000
	1,750,000

On September 15th, 400,000 of this number were working. Of the balance of 300,000 in the depots, 200,000 were said to be unfit for work and 100,000 awaiting allocation.

The transfer of German prisoners of war has recently been suspended by the American Army Authorities following the receipt of a report from the International Red Cross that conditions in certain French camps containing German prisoners of war are not satisfactory. It is alleged that prisoners who are not allocated to industry remain in the camps on a daily food ration barely sufficient to keep them alive and are short of clothing and bedding. This incident has aroused much comment in the newspapers, and has stirred public opinion. The French Government have taken steps to increase the food ration in the camps and are arranging for collections of clothing and bedding to be made in the French zone of occupied Germany. It has been agreed that the 200,000 unfit men shall be returned to the American authorities.

In addition the Government has decided to revive its policy of immigration to offset the decline in the population owing to the low birth rate. It is proposed to admit 1,250,000 foreigners over a period of 10 years, and in addition to suppressing certain pre-war restrictions, the new policy offers immigrants improved facilities for becoming naturalised.

X FINANCIAL POLICY

(a) Budget Expenditure. The estimated budget expenditure for 1945 is fixed at approximately 400 milliards, of which it is estimated that 46% will be covered by taxes.

To help meet the deficit the Minister of Finance has taken the following measures to increase the State income:-

(1) Confiscation of illicit profits gained during the occupation.

(2) Increase of sales tax on luxury and semi-luxury articles.

(3) Measures to tighten up the laws concerning bearer securities to combat tax evasion; also an agreement with the Principality of Monaco and other countries with a view to making tax evasion more difficult.

(4) Exchange of the whole currency note issue for new notes, the profit from which was credited to the Tresor.

(5) A capital tax and a tax on wealth acquired between 1st January, 1940 and 4th June, 1945.

It is not possible to estimate with accuracy the income anticipated from these measures; but it will undoubtedly serve to tide over the next few budgets, as the Illicit Profit confiscation and the tax on capital are payable over a period of years. The Minister of Finance is criticised in some quarters concerning the capital tax and the tax on wealth accrued, as these taxes are a drain on the nation's wealth and therefore will tend to decrease the amount of tax income for the future.

(b) Bank Note Circulation. The note circulation of the Bank of France on 17th August, 1939, was 123,135 millions; on 13th July, 1944, 584,820 millions. The peak was reached in October, 1944, at 632 milliards. Immediately after the exchange of notes in June, 1945, the figure was 444 milliards, and the latest statement of the Banque de France (6th September, 1945) gives it at 479 milliards.

The profit gained from the exchange of notes was credited to the current account of the Tresor at the Banque de France, and the successive monthly increases in the note circulation since that time have been accompanied by a decrease of approximately the same amount in the balance of this account.

(c) Wages and Prices. Throughout the year, apart from the problems involved in the organisation of food supplies, the rebuilding of the transport system and the restarting of industry, the French authorities have had to pre-occupy themselves with the inflationary situation which arose from the payment of the costs of the German occupation, the resulting expansion of the note issue, and the grave shortage of consumer goods of all kinds. Wages had been kept low in most industries under German pressure and relative levels as between different industries drastically altered. The position was not eased by the decision, taken immediately after the liberation, to increase wages generally by 50% as a rough measure of justice to workers; prices were not increased and the increase was therefore not reflected in the price level - or at least not in the official price level.

To cope with this the Government had the choice of two alternatives; one was to apply a drastic measure of deflation by exchange of notes with blocking of a part of those presented, thus bringing the note issue to some nearer relation with the volume of goods available, limiting expenditure at the same time; the other, to trust to the recovery of industrial production while absorbing excess currency by means of loans, taxation of illicit profits, etc. Whether the first would have succeeded is perhaps doubtful; but in any case the second and less drastic solution was preferred, although the exchanges of notes, but without blocking, was subsequently carried out. The policy adopted cannot be said to have met with complete success, although circumstances, such as the delay in restarting industrial production owing to late arrival of raw materials, to difficulties over coal, and also to the partial failure of the harvest, through adverse weather, are largely responsible.

The policy adopted was, broadly, to freeze prices and wages as near as possible at post-liberation levels; to mop up loose money by loans and special

taxes; to make the consumer bear as much as he could of actual costs by the elimination of budget subsidies; and to trust to reviving industrial production for the rest.

A number of purely fiscal measures have been taken in execution of this policy, the first of which was the issue of an important Liberation loan which did not perhaps meet with all the success hoped for. Severe taxation of illicit profits has been imposed and legislation imposing a capital levy payable over 4 years has been adopted. The exchange of notes was finally carried out on a note for note basis, and resulted in a profit to the State of some 44 milliards from unredeemed notes. The note circulation was by this measure reduced to 444 milliards. Holders of notes were encouraged to pay them into banks before the actual exchange by the limitation on the amount which could be exchanged over the counter. This money, however, is now showing signs of emerging again and the note circulation is increasing, whether in consequence of rising prices or of increased industrial activity it is too early to say.

After the post-liberation increase already referred to, which brought them to something over twice the level of September, 1938, wages were not again increased until March, when it was decided to try to correct some of the anomalies as between different trades and to introduce some uniformity into the general wage structure. What had begun, however, as a reform of the price structure became under pressure from the Trade Unions an all-round increase of from 30 - 40%, and wages are now admitted to be from 275 to 350 per cent of the 1938 level. Monsieur Parodi, Minister of Labour, has declared that no further increases can be permitted for a long time; but there are already complaints that wages are being outdistanced by the cost of living owing to recent price increases. It is unfortunate that in calculating wages account is too often taken, not of the official prices of the goods the worker buys, but of prices on the black market - admittedly often the only source of supply.

The original increase in wages of last September was not accompanied by a corresponding rise in prices, since its whole purpose was to improve the position of the worker. The extra cost therefore fell on the manufacturer, and reference is made elsewhere to the effect on his financial position. Some increases were permitted in agricultural prices, but they were on the whole limited. No recent index of wholesale prices has yet been published, but the official figures from September, 1944, to March of this year are as follows -

1938 = 100	Food Products	Industrial Products	General Index
September 1944	276	231	254
December	278	239	259
January, 1945	278	243	260
February	290	246	268
March	291	247	269

In April, however, manufacturers were granted all-round increases in industrial prices to compensate the increased costs resulting from the wage adjustments of March. Unofficial estimates of the wholesale price index (base 1938 = 100) for July gave the figure of 380. A number of increases in agricultural prices have since been authorised in the hope of tempting supplies on the market.

The following table shows some of the increases in prices approved since March of this year, as presented in a recent Trade Union report:-

	March	September	% increase
Bread (loaf)	4.90	7.40	50
Meat Kilo	70	97	36
Butter Kilo	103	165	56
Milk Litre	5.60	8	42
Wine Litre	9.90	17.60	78

Against these increases must be set a reduction of 25 francs the kilo on the price of butter as from 1st October.

Gas and electricity have also increased by 67% and 55% respectively. No official cost of living figure is published, but unofficial estimates on the basis September 1938 = 100 are August, 1944 = 265, and September, 1945 = 395.

Subsidies to production were originally rejected by Monsieur Pleven, whose aim was to lighten the budget as far as possible and to mop up loose money by making the consumer pay the full cost of production. With this aim, he abolished the bread subsidy earlier this year and reduced the subsidy to coal production. The partial failure of the harvest, however, on top of the already depressed state of agriculture, has recently compelled the Government to decide on further increases in the return to the agriculturalist. Rather than risk its whole price policy by passing on to the consumer, by way of higher prices, the increased rewards to the grower, it has decided to grant special subsidies to agriculture for a limited period, on the ground that the necessity is due to the reduced level of production resulting from war damage. A total of 22 milliards has been granted for this purpose, made up as follows; for the period 1st September, 1945, to 1st September, 1946:-

Milk	Frs.	1,500,000,000	(to April 1946)
Butter	"	1,000,000,000	
Sugar		320,000,000	
Wine		2,500,000,000	
Meat		8,000,000,000	
Bread		9,000,000,000	

This latest departure, disguised as it may be, from the strict doctrine of stable prices has aroused some concern that France is fast entering into a vicious circle of prices and wages leading to uncontrolled inflation. The fear is probably exaggerated, provided industrial production is not further handicapped; but the risk is undoubtedly present. It is probably true that events and not the Government are principally to blame for the failure to stabilise prices and wages; but it cannot be concealed that the policy has, so far, had only a partial success and that the Government's purpose is likely to be strained somewhat severely in the coming months. Ministers speak hopefully of an improvement in industry, and the fact of some modest progress is undeniable; it is not yet certain, however, that it will enable them to withstand further demands for increased wages and prices. On the other hand, the National Economic Council was reported recently to have considered that production had so far improved as to justify a reconsideration of profit and margins and distribution costs, now spread over a large volume of material, as a means of increasing workers' purchasing power.

(d) Value of the Franc

The rate of 200 francs to the £ fixed by the French authorities in consultation with the Allies to take effect on 6th July, 1944, reflects a higher rate for the franc than it seems possible to justify. When fixing this rate the authorities were prompted by a desire to limit the spending power of the armies invading France, for the twofold purpose of obviating an inflation of prices and to discourage the troops from buying goods away from the French population.

This measure was successful as far as the troops were concerned; but immediately after the invasion the French authorities began to raise wages and this placed increased spending power in the hands of their own people with the result that, combined with the lack of merchandise, prices soared to false levels.

There have been several rises in wages since, and now that the Government has fixed wages at approximately 3 times pre-war level, French interior prices are such that, with the franc at 200, it has become impossible for foreign countries to purchase in the French market.

With France's urgent need of imports of food and materials for reconstruction and her inability to export her surplus raw materials with the franc at its present rate, measures have been taken to subsidise as far as possible certain

exports as a means of deferring a change in the international value of the franc.

With the enormous excess of imports over exports France has become a debtor to most countries, and in many cases has practically reached the limit to which she can purchase on credit. It would appear, therefore, that the time is fast approaching when, in order to obtain the things she needs, she will be forced to revalue the franc to a point which will bring her interior prices into line with those of the countries from which she is making purchases, and thus enable her to offset to a certain extent her imports by increasing exports of such things as phosphates, perfumes, wines, etc., and such articles as her reduced production capacity will enable her to manufacture.

Foreign assets held abroad by French nationals are considerable, and if mobilised would go a long way towards solving the immediate situation; but it may be that the Provisional Government's hesitation to commandeer these assets at the present rate of exchange is prompted by political motives.

XI - IMPORT PROGRAMMES

(a) Pace of Imports

Imports received and cleared have, as can be seen from the chart at page 63 until fairly recently represented only a trickle in comparison with pre-war imports. It has been a growing trickle, however, as is shown by the following figures of civil imports, which do not include coal, P.O.L., nor the military target import programme, of which details are given elsewhere. Imports as thus defined were as follows:-

Prior to 1st January 1945: nil.

1945:	January	33,271
	February	63,148
	March	160,364
	April	231,115
	May	245,265
	June	370,868
	July	520,478
	August	740,836

Thus total for first semester 1945 (adjusted) 1,163,261 and total to end August, 2,424,575.

During the remainder of 1945 the limitations imposed by procurement and shipping considerations will restrict general cargo imports to some 800,000 tons per month, in addition to 500,000/600,000 tons per month of coal (i.e., an average throughput of oversea imports, including coal, of a little over 40,000 tons per day).

(b) The "Monnet" or "Eight Months" Import Programme.

The imports so far effected and to be effected before the end of the year are in implementation of (a) on Eight Months' Programme known as the Monnet Programme and (b) a Second Semester programme. The former underwent many modifications during the course of the first six months of 1945, but has now been consolidated into its final form (covering 4,279,383 tons of general cargo, excluding coal and P.O.L.) which it is expected will be fully implemented by about 1st November, 1945. This programme was originally intended to cover the period from 1st November, 1944, to 30th June, 1945, but no imports having been effected against it by the end of 1944 it has been considered in fact as covering the first eight months of 1945. It will thus have been implemented with three months' delay. The chart at page 63 shows the implementation of the programme by broad categories of goods up to the end of September. Almost the only instance in which the target has been beaten is in the supply of industrial raw materials from the United Kingdom.

It should be borne in mind that this programme, as is obvious from the small total tonnage covered, could never claim to satisfy the minimum justifiable imports of the country, but merely represented what it was estimated the port and clearance facilities should be able to cope with alongside the military traffic during the period 1st November - 30th June. That deliveries fell short of the target on account of the shortage of shipping had all the more paralysing an effect on the life of France.

(c) The 1945 Second Semester Programme.

The Second Semester Programme was originally drawn up in March, 1945, on two hypotheses: I. War in Europe continuing, and, II. War in Europe ended. Hypothesis I provided for total imports, excluding coal and P.O.L., of 5,000,000 tons and hypothesis II of 8,000,000 tons. The programme, like the Monnet Programme, has been modified from day to day and is still in a state of flux. Hypothesis II proved too high and the target as it now stands is about half way between the two hypotheses; but even that is at the present time undergoing revision on account of financial considerations affecting the U.S.A. and Canadian programmes. As has already been stated, however, it is possible to estimate that imports up to the end of the year, excluding always coal and P.O.L., will average 800,000 tons per month. Assuming the Monnet programme completed by 1st November, the French

ll thus be able to receive by the end of the year only 1,600,000 tons against their Second Semester Programme, i.e., about one quarter by tonnage of their target, in so far as this can be assessed with any accuracy.

(d) Priorities in Imports for the Winter.

Throughout the winter the main stress in imports will be laid on coal, with, next in importance, food. Of the 800,000 tons of general cargo imports per month up to the end of the year it is thought that some 150,000 tons will consist of wheat and about 100 to 150,000 tons of phosphate rock and pyrites. The flow of other raw materials will be maintained and increased as far as possible and will include in particular about 100,000 tons of iron and steel, of which some semi-finished articles. At the time of writing the French are showing anxiety about delay in securing a steel allocation for the second semester from the United Kingdom as requested of the Ministry of Supply. The import of finished goods will be restricted to the minimum and will cover chiefly transport equipment, such as locomotives and wagons. As a general rule no consumer goods will be imported in their finished form.

(e) First Semester, 1946. Impact of Financial Considerations

Financial considerations will continue from now on to impose important limitations on imports. It is not likely, however, that the financial difficulties will cause a change in the total tonnage imported up to the end of the first semester, 1946, since expensive goods, in particular finished and semi-finished, will, where possible, be cut out of the import programme and replaced by cheaper goods, in particular raw materials, up to the ceiling imposed by clearance facilities. At a rough estimate it is now thought that it will thus be possible to import oversea and overland during the first semester of 1946 between 15,000,000 and 18,000,000 tons of civil cargo including 8,000,000 tons of coal, 2,000,000 tons of food, 1,000,000 tons of products for agriculture and 1,000,000 tons of fertilisers including 600,000 tons of phosphate rock. The overland imports will consist mostly of coal and timber and will probably amount to about one-third of the total, say 5,000,000 to 6,000,000 tons. If the higher figure of 18,000,000 were achieved, maritime imports would thus be at something approaching the rate of 2,000,000 tons per month, which is approximately the pre-war figure. The lower figure of 15,000,000 tons appears more probable however. This would call for maritime imports at the rate of about 1,500,000 tons per month which represents an increase of 50% on the September imports.

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PROGRESS ACHIEVED UP TO 30TH SEPTEMBER AGAINST THE "MONNET" OR "EIGHT MONTHS" IMPORT PROGRAMME (Metric Tons)

A = target
B = implementation

	U.S.A. and Canada		U.K.		Other Foreign Countries		F.N.A.		Other Empire Territories		Grand Total	
	A	B	A	B	A	B	A	B	A	B	A	B
Food	626,900	455,945	10,000	37,455	33,000	63,124	66,650	61,304	159,450	130,789	896,000	748,617
Fats and soap	94,600	60,609	-	11,087	31,800	50,485	47,800	27,672	29,000	148,852	203,000	298,705
Products for Agriculture	120,900	174,180	108,000	135,746	340,250	92,628	413,500	327,711	15,800	17,156	998,450	747,421
Medical products	14,488	1,882	-	122	-	-	-	41	-	-	14,488	2,045
Rubber ingredients	65,773	8,703	2,900	3,035	4,500	765	-	875	500	-	73,673	13,378
Textiles and leather	137,420	168,735	52,005	38,334	40,104	79,169	676	10,427	32,850	18,881	263,055	315,546
Paper and pulp	121,000	45,994	3,500	3,834	25,200	28,799	-	270	-	-	149,700	78,897
Chemical products	101,640	9,548	136,150	36,931	15,900	5,180	50	302	4,150	2,455	257,890	54,416
Minerals and metals	238,973	63,012	64,010	66,240	66,890	4,991	55,800	33,975	10,775	16,580	436,448	184,798
Timber	10,000	941	-	227	2,000	1,981	-	2,316	-	6,732	12,000	12,197
Iron and steel goods	639,000	250,506	80,000	75,020	-	1,589	-	-	-	-	719,000	327,115
Building material	95,800	95,794	-	20,779	-	-	-	-	-	-	95,800	116,573
Mining equipment	-	-	28,000	-	-	2,679	-	-	-	-	28,000	2,679
Misc. equipment	107,479	39,223	10,800	30,312	14,000	405	-	10,615	-	5,140	132,279	85,695
	2,373,973	1,394,113*	495,365	459,122	573,644	332,199●	584,476	478,039‡	252,525	346,585	4,279,983	3,010,058/

* includes 19,041 tons of tobacco
● " 404 " " "
‡ " 2,531 " " "
/ " 21,976 " " "

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XII - THE RECOVERY OF FRANCE'S EXTERNAL TRADE

(a) Imports

Comment has already been made on the progress of the import programme of materials for reconstruction. Table A on page 72 contains figures of imports and exports by quantity and value for the first eight months of 1945, with figures for the same period of 1944 and for the twelve months of 1938 for comparison. It will be seen that the major part of the importations consists of raw materials for industry, and that manufactured goods represent only slightly over one seventh of the value of total imports. The share of the Colonial Empire, which in 1938 was nearly a quarter of total imports by value, is now about one fifth, and consists primarily of foodstuffs and fertilisers. As will be seen from the detailed table of imports for the first seven months of 1945 (Annex 1, page 73) the U.S.A. and Canada are the principal suppliers with 773,664 tons, as against 299,247 from the U.K. and 415,590 tons from the French Empire. The U.K. is necessarily only a small supplier of raw materials and foodstuffs; but as the immediate needs in raw materials for restarting industry are met and imports of capital goods for reconstruction (to which it seems probable that imports will for some time be largely restricted) begin to take place, the U.K. may hope to improve its position. Other countries are not at present important suppliers, but Table B shows that goods are being obtained from Egypt (cotton), Sicily (sulphur), Turkey (dried fruits, nuts and tobacco), Portugal (rice and pyrites) and Spain (pyrites).

(b) Exports

Detailed figures of exports are not available, but Table A gives details of total exports in the first 8 months of 1944 and 1945 and in the twelve months of 1938. It will be seen that the total value of exports in 1945 was Frs.4,690 millions of which almost one half went to the French Empire. Exports consisted principally of foodstuffs (which would include wines and liqueurs) and manufactured items, presumably luxury and semi-luxury goods, since the condition of French Industry is such that, with the exception of certain raw materials, e.g., iron ore, bauxite, resin, tartrates, there is little else to export. Obviously, purchasing power for them is at present limited. The balance of payments on merchandise account, therefore, inevitably shows a heavy deficit, amounting to Frs.12,388 million up to the end of August; and this is likely to increase still further during the coming months, inasmuch as the rate of arrival of goods for the reconstruction programme is still increasing. The prospect of an increasingly adverse balance of payments is naturally a matter of great concern to the French Authorities, who have not only lost some of the resources with which they were able, in pre-war years, to cover the considerable pre-war deficit (15,474 million francs in 1938), but also now find themselves confronted with heavy expenditure on imports for reconstruction purposes.

The revival of French exports is therefore of the greatest importance to French economy and special measures have been taken to this end. An Export Trade Committee has been established to advise on measures to assist exports and also to help in such matters as supply of raw materials, transport facilities, etc., while exports have been exempted from certain taxes levied on internal sales. Special facilities for the supply of raw material and coal for exports yielding a high return have been arranged; and the August export programme was drawn up with the aim of obtaining the maximum amounts of foreign exchange per ton of coal allocated. For instance, the following goods are expected to yield the amounts of foreign exchange indicated in francsper ton of coal consumed in their manufacture:-

Furs (rabbit coats)	600,000 frs.
Perfumery	292,000
Clothing (fashions)	220,000
Artistic	187,000
Tulle, embroidery, lace	260,000
Hosiery, etc.	250,000
Thread for Angora textile	280,000
Textiles for furniture	140,000
In comparison mechanical goods bring in only	14,800
Electrical goods	43,168
and optical and precision instruments	97,000

It is known also that in special cases the French are considering the export of goods in short supply inside France but of particular importance for export from the long term point of view.

There are, however, two serious difficulties, the high prices of French exports on account of the over-valuation of the franc, and the fact that practically the only goods which France can export in quantity are of the luxury or semi-luxury class, i.e., perfumes, wines, articles de Paris, etc. It is clear that the French pin much of their faith to an immediate revival of exports of this class of article and they are devoting much effort to publicity e.g. by fashion exhibitions abroad. The U.K. has made certain purchases in France, e.g., resin, and has taken an important quantity of wine and brandy as a special concession; but in general, on account of her foreign exchange position, she is unable to buy the only goods which France can spare. Moreover even these goods which the U.K. would be willing to buy are too high in price. It is understood, however, that some loosening of the purse strings for this purpose is contemplated.

The price difficulty also impedes exports to other countries and notably to the U.S.A. which would willingly take French luxury goods. The existence of price ceilings there has however, so far prevented the sale of any appreciable quantities of French exports.

A similar difficulty created by the rate of exchange and the present high costs of production inside France handicaps exports to other countries, even in the absence of price ceilings, and the French authorities have been forced to have recourse to a system of subsidies. Subsidies to exports may be granted when the price of the articles in question is above the world price and when the export is made within the framework of a trade agreement. Funds are obtained from the proceeds of the Perequation Tax, which permits the levy of a subsidy on imported goods to equate their price approximately with the price of similar goods made in France. It seems doubtful, whether, in view of the present high cost of production, and unless the French authorities are prepared to grant really heavy subsidies, the application of this system will have any practical results.

(c) Perequation

Perequation Tax as such applies only to imports handled through private trade; but a similar levy is in fact imposed on imports through Government channels, inasmuch as the prices at which they are re-sold by the Import-Export organisation are based not on their cost but on the internal price as determined by the price of similar French manufactures. The theory behind the application of the tax is that, owing to the artificial rate of exchange, the landed price of foreign manufactures is, through Governmental action, much lower than that of the French articles, whose cost of production is high, largely because of the limited scale of production. As the imported article would inevitably be sold at about the same price as the French article, the Government, so runs the agreement, should take for itself the profit thus created and use it to reduce the price abroad of French exports, which in turn have been made more expensive by the artificial rate of exchange. It is also felt that with this system in force there should be less scope for the black-marketing of imported articles. Despite assurances that the system is not protectionist in intention, there is little doubt that at least some sections regard it as a means of giving further protection to the French manufacturer, already protected by the virtual existence of a quota system resulting from the operation of the import programme. In effect, prices inside France of American Agricultural machinery and trucks imported by the French Government are reported to be twice the actual import price. Apart from the protectionist effect of the system, which the French have declared to be only a temporary expedient and one which will not be allowed to create vested interests, the levelling up of prices in this way necessarily bluts the competitive margins between foreign suppliers, whilst uncertainty in regard to price to the final buyer necessarily limits the placing of orders. Unfortunately, in the majority of cases, the price of resale by Impex, or, in the case of goods imported under private trade arrangements the amount of the tax, is determined only on or after importation, whilst in view of rising costs of production in France it is impossible to secure firm prices from even French manufacturers, to serve as a basis for an estimate of what the price of the imported item is likely to be.

(d) Private Trade

Some progress has been made with the return to private trade, but so far only a limited field is covered by the concessions. By arrangement with H.M.G., licences may now be issued to private importers in France for the importation of spare parts of machinery, seeds, breeding stock and manufactured articles of a

ight less than 5 tons or than £5,000 in value. They must, however, be articles regarded as essential to French economy and comprised within the import programme, whilst all types of machinery and tools, as well as certain other goods in short supply, are specifically reserved for government purchase. Similar arrangements have been made recently with the U.S.A. and Canada.

French imports for some considerable time are likely to consist principally of foodstuffs and raw materials for industry and plant and equipment for reconstruction; and it is unlikely that there will be much importation of consumer goods except those of a strictly essential character. The scope of operations through private trade must in any case necessarily remain very limited so long as the conditions of essentiality and inclusion in the import programme are maintained, unless the scope of the arrangements can be enlarged to include machinery and other items not suitable for bulk treatment. There is, as yet, no evidence that the French propose to take what would be the next and logical step in this connection; but in effect it is already possible for intending buyers who have secured permission from the authorities to install new plant, to correspond direct with foreign suppliers in regard to technical details, date of delivery, etc. There is no doubt, however, that the earliest possible return to the greatest possible measure of private trade would be to the general advantage; and it is understood that this is favoured by responsible officials in the Ministry of National Economy. Whilst it may be able to handle the bulk purchase of raw material satisfactorily, the French Purchasing Mission in London, at least, has proved both slow and cumbersome in dealing with purchases of machinery and plant, whilst there appears at times to be a tendency amongst those responsible for the purchasing of machinery and plant to look rather too much to the U.S. A return to private trade, therefore, would possibly improve the position of the U.K. exporter in this market. It is understood that the principal difficulty in the way is that the French are not yet ready to reopen private trade with U.S.A.

(e) Trade Agreements

Partly with the desire of tapping new sources of supply, partly in the interests of their export trade, partly because of a desire for prestige reasons to reconstruct the fabric of their pre-war commercial relations, the French have made Trade Agreements with a number of countries and agreements with others are projected. An agreement was signed in February with Belgium for the exchange of a number of miscellaneous food and industrial products; this was in addition to the earlier agreement of November, 1944, for the exchange of coke and iron ore. The February agreement has been extended for three months and negotiations are now in progress for its renewal on a wider basis. The iron-ore-coke agreement has not been particularly satisfactory; only very limited deliveries have in fact been made in both directions, owing, it is believed, to mutual jealousies between the steel industries of the two countries. It is reported that fresh negotiations are to cover an exchange of 150,000 tons of iron ore for 30,000 tons of coke, whereas the pre-war ratio was 1 ton coke for 8 tons of ore.

With Switzerland the French have a payments agreement negotiated in March in connection with the revision of the Swiss War Trade Agreement. It provides machinery for commercial exchanges. Under the agreement all transactions are conducted in Swiss francs. It is understood that pruchases of paper and paper pulp and of certain types of machinery have been small in Switzerland. A provisional arrangement for the exchange of foodstuffs for potassium, fertilisers and seeds from France is also in operation and negotiations for a commercial agreement are projected, although they may be held up temporarily by French dissatisfaction with the Swiss attitude in regard to looted property and to German assets in Switzerland.

Commercial negotiations with Spain have been projected on a number of occasions during the year, only to be postponed because of political considerations. An agreement has, however, recently been signed, after several weeks of negotiation, for the purchase by France of goods, chiefly foodstuffs and textiles, to a value of 500 million pesetas and for the supply to Spain of goods of a miscellaneous character, including phosphates and machinery to a value of 200 million pesetas. The balance is to be made up in part by a loan from the Spanish authorities, repayable in three years, and in part by the realisation of certain French holdings in Spanish utilities. To avoid the awkward question of the franc-peseta rate all dealings are to be in pesetas. It is interesting to note that, for political reasons, the French authorities have gone out of their way to insist that this is

not a new agreement but the result of discussions in the mixed commission set up to watch over the working of the Franco-Spanish agreement of 1940 which is still in force.

So far as the Scandinavian countries are concerned a trade and payments agreement was signed with Sweden in July and a commercial agreement with Denmark in September, whilst discussions with Finland are believed to have taken place.

The agreement with Sweden, which includes a clause regarding the application of perequation to French exports, is accompanied by a payments agreement fixing the rate of exchange at Frs.11-83 per Kroner, and providing for a maximum advance to the French at any time of Frs. 50 millions. Goods to be supplied under the agreement from Sweden are wood pulp for rayon and paper making, paper (notably newsprint), machinery of various kinds (i.e. electrical apparatus, ball bearings, dairy machinery, agricultural tractors), prefabricated houses, matches and special studs. In return France will supply perfumes, cut flowers, wines, spirits, cork, vegetable hair, colonial timber, phosphates, potash, dyestuffs and pharmaceutical products. Exchanges with Denmark are to cover butter, meat and livestock from Denmark and phosphates and potash fron France.

Attempts to negotiate an agreement with Poland for the supply of coal have been made without, however, so far achieving any success. Commercial negotiations are also believed to have taken place with Czecho-Slovakia.

(f) Belgium - Luxemburg - Holland Agreement for Economic Co-operation

Little but discussion has so far apparently resulted from the agreement on economic co-operation signed earlier this year between France, Belgium, Luxemburg and Holland, with the aim of providing mutual assistance from their respective surpluses during the period of reconstruction, and also of arriving at a common attitude on economic policy. The Committee has been established and has held several meetings and a special section in the M.F.A. has been set up to deal with its activities. It appears mainly to have devoted itself to short term questions and not to have attempted to formulate long term policy. It is indeed freely admitted by the French membership of the Committee that nothing particularly durable or important is likely to result from its deliberations so long as the U.K. is not a party. French opinion indeed continues to be strongly in favour of the western "bloc", under whatever name it may be camouflaged - at least in so far as by that is meant closer economic relations with the U.K. and most Frenchman, apparently not including General de Gaulle, are eager for something to be done about it quickly.

(g) General Commercial Policy

French commercial policy is at present dictated by considerations arising from reconstruction needs and no pronouncement has yet been made in regard to such matters of policy as tariffs, quotas, etc. Some elements, still important, would favour a more liberal trade policy than that of the pre-war years, which they see was in part responsible for the inadequacy and inefficiency of French industry, but it is questionable whether the French industrialist, who was strongly protectionist before the war, has changed his views. It is certain that the vast fabric of control organisations, built up largely during the Vichy era and continued with modification after the liberation, represents a force which, being largely staffed by men from industry, is able to bring pressure to bear in favour of the exclusion of foreign products. The tendency towards a revival of protectionist feeling is strengthened by the present situation, in which, owing to transport and currency difficulties, the authorities are compelled to reduce imports and to use French products, however expensive. The application of perequation to imports, in order to provide funds for export subsidies necessitated by the artificial rate of exchange, also constitutes a protection for the French manufacturer which it will be difficult to break down once established. It is noticeable that the French authorities are already thinking in terms of quotas for imports from particular countries and their import programme tends to be based on that principle, rather than on that of free competition between all suppliers. At present, customs duties, except on a few, mainly revenue items, are suspended, and the way is therefore open for a general reduction; but there can be no doubt that there is a strong

protectionist sentiment, which is being still further strengthened by the present necessary limitations on imports. In default of some early move to bring France into some arrangement for the liberalising of international trade this tendency may well become supreme.

Meanwhile, however, it is desirable that U.K. exporters should not, because of a fear that the French may revert to protectionism and the demand therefore be only temporary, hold aloof from the French market in those cases where they are invited to supply. The adoption of any such policy could only serve to strengthen the hand of the advocate of protection in the interests of self-sufficiency.

Further evidence that French thinking is reverting to pre-war arrangements is found in the fact that, although Indo-China, which is rather a special case, is to have tariff autonomy, and preferences between it and the metropolis are to be abolished, the system of preferential arrangements between France and the rest of the Empire is being maintained.

There have been few indications of what the attitude of the present Provisional Government might be to proposals tending towards a general reduction of tariffs and the abolition of quotas and other restrictions. While there is, as has been said, a strong tendency on the part of some industrialists to seek protection, it is certain that there is a large body of opinion in France which has come to the conclusion that the French economy cannot stand alone; and they must presumably realise that when seeking any kind of tie-up with other people they must be prepared for sacrifices: indeed, there is much talk of Customs Unions involving some reduction of the French customs tariff. It is a fairly safe bet that the French Government would favour adhesion to some international body designed to regulate questions of commercial policy with some derogation of sovereignty if a large enough number of other nations showed that they were ready to play the same game. At present they are doubtful of the possibility; and, if they can get away from their daily pre-occupations to think of the subject at all, they are probably considering how to protect their economy in a hostile world, with a tendency to favour collaboration with the Western European Powers of which the United Kingdom and its Empire would be an indispensable unit.

TABLE A

IMPORTS by value (thousands of francs)

	1938 (12 months)		1944 (8 months)		1945 (8 months)	
	Colonies	Total	Colonies	Total	Colonies	Total
Foodstuffs (A)	9,297,000	12,492,000	21,522	1,076,134	2,078,417	4,087,451
Raw Materials (B)	3,007,000	26,865,000	4,825	2,608,767	1,082,328	10,336,998
Man'fd articles	188,000	6,708,000	4,278	3,058,407	310,775	2,653,629
	12,492,000	46,065,000	30,635	6,743,308	3,471,520	17,078,078
A of which						
Tropical Products	2,276,000	3,255,000	20,607	32,331	514,693	616,613
B of which Coal, Coke, etc.	89,000	4,858,000	-	552,482	-	570,452

IMPORTS by weight (in metric tons)

	1938 (12 months)	1944 (8 months)	1945 (8 months)
Foodstuffs (a)	5,851,566	151,563	304,279
Raw Materials (B)	39,680,351	1,787,703	2,541,395
Man'fd articles	1,647,855	129,108	218,718
	47,179,772	2,068,374	3,064,392
A Tropical Products		2,994	34,781
B Coal Coke, etc.		1,171,092	1,064,690

EXPORTS by value (thousands of francs)

	1938 (12 months)		1944 (8 months)		1945 (8 months)	
	Colonies	Total	Colonies	Total	Colonies	Total
Foodstuffs	1,485,000	4,393,000	-	5,004,120	472,229	1,363,869
Raw Materials	1,120,000	9,843,000	-	3,808,065	152,697	758,653
Man'fd articles	5,786,000	16,354,000	-	13,521,194	1,665,281	2,567,146
	8,391,000	30,590,000	-	22,333,379	2,290,207	4,689,868

EXPORTS by weight (metric tons)

	1938 (12 months)	1944 (8 months)	1945 (8 months)
Foodstuffs	1,177,950	557,275	129,067
Raw Materials	23,092,213	5,804,301	803,372
Man'fd articles	2,713,401	416,384	112,134
	26,983,564	6,777,960	1,044,573

NOTE

It will be observed that there are considerable discrepancies between the above figures and those quoted in the table on page 63. This has been discussed with the Customs who explain that IMPEX imported all sorts of goods, particularly up to March, which did not pass through the Customs. Declarations to correct this were submitted, on the protest of the Customs, but many months late, and not necessarily complete, so that some goods imported, say in February, might not appear at all in the Customs returns, or only in September; they would thus be missing from the figures for the first 8 months.

Annex 1

The following progress had been achieved in the period 1st January-1st September, 1945 in the processing of the imported textile raw materials:-

(i) Wool 51,500 tons greasy = 30,600 tons scoured

in course of transport and sorting		8,500
in course of processing, weaving, washing and combing		5,000
stocks at the factories		6,500
spun and woven:		
for the administration	6,600	
" " industry	1,000	10,600
" " civil population	3,000	
		30,600

(ii) Cotton 153,000 tons

in course of transport and at ports and warehouses			86,000
moving to the spinners			40,000
in course of being spun			7,000
Spun: for the administration		14,000	
" " industry		2,000	20,000
" " civil population		4,000	
			153,000

These figures show the great extent to which the requirements of the public officials, such as police, SNCF, miners, postmen, etc., and above all the military, who are here included under the heading "administration", have taken precedence over the civil population.

The following figures as background to the preceding paragraph show the distribution of raw materials between the civil and military sectors:-

	Civil		Military		Notes
Cotton (up to 1 Sept.)	7,000(1)	35%	13,000	65%	(1) of wh. 1,000 to Administration and 2,000 to Sector Indust.
Wool " " "	4,500(2)	42%	6,100	58%	(2) of wh. 500 to Administration and 1,000 to Sector Indust.
Steel 1st Semester	485,000	77%	146,300	23%	
3rd Quarter	335,000	91%	33,500	9%	
Rubber 1st Semester	1,361	48.5%	1,447	51.5%	
3rd Quarter	2,550	67%	1,250	33%	
4th Quarter (3)	4,200	67%	2,100	33%	(3) Subject to modification
Copper 1st Semester	7,916	28%	2,273	22%	
3rd Quarter	4,466	73%	1,621	27%	
Coal 1st Semester			76,800(4)	.6%(5)	(4) Intendence.
3rd Quarter			44,000	.5%(5)	(5) approx.
4th Quarter			120,000	1.25%(5)	
Indust'l Rubber					
1st Semester	2,131	100%			
3rd Quarter	1,137	100%			
Chemicals					
1st three Quarters	463,000	95.7%	20,800	4.3%	

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z13317/103/17

WD 3/12 1945

Draft.

Mr E.J. Holford-Stevens, D.O.I.

from Mr Simpson.

E.I.D.'s detailed comments Z13307

Sir A. Rumbold's minute (on Z 12099 marked A-B)

Ec. Rels. Dept. 19/12
Supply, Policy Depts. 21/12

P.C. see Sir A. Rumbold's minute on Z12099

Copy (with encls.) sent to Treasury, Paris same as ref. (except Mr)

+8C OUTFILE

Dec 1945

3rd Jan 1946

Dear Holford-Stevens,

Thank you for your letter C.42691/4/45 of the 30th Nov. about Fraser's report on the economic state of France (incidentally, only one copy of the enclosure reached me, but we do not need another).

2. As regards your third para., we have had a letter from Fraser (C.D. 73/45 of the 13th Nov.) in connexion with our Economic Intelligence Depts paper on "The Progress of French Industrial Recovery", of which I think you have had a copy. In his letter Fraser asks us to let him know if we have any ideas as to the scope and content of future reports he expects to have to make "publicly and certainly annually". This appears to overlook the

NOTHING TO BE WRITTEN IN THIS MARGIN.

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179

OUT FILE

FOREIGN OFFICE, S.W.1.

(E 15317/103/17) 3rd January, 1946.

Dear Holford-Stevens,

Thank you for your letter C.40091/4/45 of the 30th November about Fraser's report on the economic state of France (incidentally, only one copy of the enclosure reached us, but we do not need another).

2. As regards your third paragraph, we have had a letter from Fraser (C.I.75/45 of the 15th November) in connexion with our Economic Intelligence Department's paper on "The Progress of French Industrial Recovery", of which you have had a copy. In his letter Fraser asks us to let him know if we have any ideas as to the scope and content of future reports he expects to have to make "quarterly and certainly annually"; this appears to overlook Foreign Office circular despatch UK 4193/5913/56 and I expect attention will be drawn to this in the reply to Fraser.

3. I enclose a copy of some detailed comments by our Economic Intelligence Department on the industrial section of Fraser's valuable report, which the Department hope may be helpful, and a copy of a minute by Rusbold.

4. I am sending this letter to the recipients of yours (with the exception of the War Office.

Yours sincerely,

S. Hebblethwaite

(F.L.Simpson) for.

H.J. Holford-Stevens, Esq.,
Department of Overseas Trade.

495

1945

Z

FRANCE

Z 13376

7 DEC 1945

180

Draft paper on "France: External Economic Relations".

Refers Mr. Simpson's letters of 24th October and 23rd November (Z 10824/103/17) Has no comments to make apart from drawing attention to fact that French industrial plant has not been renewed during war years.

Registry Number Z 13376/103/17

FROM Mr. Godfrey (Paris) to Mr. Simpson

No. CD 52/45

Dated 30th November.

Received in Registry 7th Dec. 1945

Last Paper.

Z13317

References.

(Print.)

(How disposed of.)

(Action completed.)

R 5/1/46

(Index.)

25/1/46 JSW

Next Paper.

Z 13380

(Minutes.)

P.L. See also Z 13006 and B/T and D.T. comments on Z 10824.

I am sorry this has been held up so long but when comments referred to have been taken into account we can go ahead (we need not expect any comment now from Mty / Prodn. and Econ. Have not been asked for any comment).

11/1/46

Ec. Rel. Dept. Y.E.H. 2.1.46.

T.O.R.D. I now attach another copy of this

paper which brings the last section up to date + incorporates the points made by the D.O.T.. I have also cleared up the wording in the section on imperial trade. Perhaps the Department would now sign the circulation slip.

~~A.A.~~ Mills.
Research Dept.
7/2.

Returned 22/2. Done.

P.S. But please note a no. of small drafting amendments. The English, if I may so, is not the forte of this report!

If Departments see no objection I would like to send copies of this paper to the State Department under our standing exchange arrangement.

Western Department
N. American Department

S. Tough
1.3.46.

No objection if these arrangements still stand, but I thought they had been or were about to be discarded.

4/3

-182
4/12

Z 13376

DEC 1945

Commercial Department,
BRITISH EMBASSY,
PARIS.

Our Ref. C.D.52/45

30th November, 1945.

Dear Simpson,

My apologies for not replying earlier to your letter of 24th October (Z 10824/103/17), about which you reminded me in your (Z 10824/103/17) of 23rd November, but the original Report went astray somewhere in Chancery.

Actually, I had no comments to make at the time and failed to realise that you were expecting some. I still don't think I have anything particular to say except to agree that the capacity of France's industry to compete in world markets (para. 31) is below her pre-war level. The reasons are, however, I think not only her cost of production - which may or may not be a temporary feature - but, much more than war damage, to the fact that her plant has, in general, not been renewed during the war years. It was already very old, and M. Dautry has many times pointed out that by comparison with the rest of the world French industrial equipment is positively antediluvian. Its average age is about 28 years. I see that Hughes has been somewhat critical of the paragraph in question, and, whilst I agree in general with his comments, I cannot help feeling that the tone given by the original paragraph is correct. I note that he mentions the extension of hydro-electric power, but in fact, the contribution made by extensions in war-time years is quite small,

F.L.Simpson, Esq.,
Foreign Office,

and/.....

5 DEC 1945

and it will be some time before the programme of construction in hand yields a really appreciable addition to French electrical resources. Taken all in all, however, I don't think I have any particular comments to make on the Report itself, or the corrections in detail in Hughes' note.

Yours sincerely,

L. Sodyns

CIRCULATION OF F.O.R.D. PAPERS

Z 13006
28 NOV 1945

Title of Paper:

France: External Economic Relations (RR V/36/ii; 15.10.45).

The Foreign Office authorises circulation of the above paper to:

1. All Departments not engaged on publicity work.
2. The Political Warfare Executive.
3. The Ministry of Information.
4. Departments of the United States Government.

J.A. 22/2

To be initialled by an official of the Foreign Office and returned to:-

The Enquiries Section,
Foreign Office Research Department,
Old Stationery Office,
Princes Street, S.W.1.

15.10.45

Z 1 1
20 FEB 1946

185

RESTRICTED INDEXED RRV/36/ii

FRANCE: EXTERNAL ECONOMIC RELATIONS.

Summary.

1. Introduction. French foreign trade has always been of considerable world importance, but France is far less dependent upon foreign trade than are the United Kingdom and the Low Countries. She normally possessed a passive balance of merchandise trade which was covered before the depression by invisible exports (paras. 1-3).

2. Development of French Trade up to 1929. After the War of 1914-18 French exports profited by the growing industrialisation of the country, by the increased capacity of the iron and steel industry and by the depreciation of the franc. Iron and steel machinery and chemicals took an increasing share of the total export trade compared with the traditional exports of textile manufactures (paras. 4-6).

3. French Trade during the 1930's. With the depression French trade fell sharply and did not share in the recovery felt elsewhere after 1933. Exports were hampered by the disparity between French and world prices and the devaluation of the franc in 1936 was accompanied by social measures which offset its effects (paras. 7-8).

4. Commercial Policy. France has generally pursued a policy of protection. After the last war she effected a large measure of tariff stabilisation and her consequent inability to raise tariffs when the depression hit her in 1931 led to the establishment of quotas, covering all kinds of merchandise. The quota system became her main defensive weapon in conditions of increasing dislocation of world trade (paras. 9-12).

5. Commercial Relations with Germany, Great Britain and the U.S.A. Germany was of great importance to France as a supplier of coal and coke and industrial goods. Coal was France's main import from Great Britain, to which she sent considerable quantities of luxury goods, while the United States was one of her important sources of raw materials. The Tripartite Agreement of 1936 between Great Britain, France and the United States linked the currencies of the three countries (paras. 13-19).

6. Imperial Economic Relations. During the 1930's the contraction of her export markets and the trend towards autarky led France to concentrate increasingly on trade with her empire, which came to constitute between one quarter and one third of her much diminished total trade. Competition between home and empire producers, however, created serious problems. An increased measure of imperial preference was introduced (paras. 20-21).

7. The Pre-War Pattern of Merchandise Trade. Before the depression two-thirds of French exports went to Europe, but by 1938 this proportion was little more than one half, the share taken by Great Britain being particularly affected. Europe's share in French imports declined similarly to the profit of the French empire (para. 22).

8. Other Current Items of the Balance of Payments. Foreign investment, in spite of losses sustained during and after the war of 1914-18, remained an important source of revenue. The

tourist trade and shipping freights were both badly hit by the slump. Reparations payments were important during the 1920's (paras. 23-27).

9. The Capital Items. Long-term foreign investment during the 1920's was mainly designed to strengthen the position of France's allies in Eastern Europe. Short-term capital movements fluctuated violently between the two wars and compromised the monetary situation on several occasions (paras. 28-30).

10. Conclusion and Prospects. From 1940 to 1944 French trade was dominated by Germany and fell to a fraction of what it was before the war. France's capacity to compete in foreign markets has been temporarily much reduced, and she will be faced with a heavy adverse balance of payments for some years to come (paras. 31-32).

RESTRICTED RRV/36/ii

FRANCE - EXTERNAL ECONOMIC RELATIONS

Introduction

1. Since France is one of the great industrial countries of Western Europe, her foreign trade has always been of considerable world importance. In 1928, before the world depression, the value of French trade was approximately 6 per cent of that of the world, and 12 per cent of that of Europe. On the other hand the value of French trade was less than half that of the United Kingdom and was also appreciably less than that of Germany. French exports, moreover, lost ground during the 1930's relatively much more than did those of the United Kingdom or Germany. Between 1928 and 1938 their value declined from about one-eighteenth to about one-thirtieth of the value of world exports.

2. In the second place France was far less dependent upon foreign trade than were the United Kingdom or the more economically advanced small countries of Western Europe, such as Belgium or the Netherlands. In comparison with the United Kingdom or Belgium-Luxemburg, for example, France is less industrialised and far less dependent on imports of food. She has always had a high degree of self-sufficiency in foodstuffs owing to the slower progress of industrialisation, to her relative underpopulation and to a consistent policy of agricultural protection. As a result before 1939 French imports per head of population were less than half those of the United Kingdom or Belgium-Luxemburg and imports were smaller, also, in relation to national income in France than in those countries.

3. France normally had a passive balance of merchandise trade which, before the depression, was covered by the revenues which she derived from invisible exports; although during the 1930's the balance of current payments was almost continuously unfavourable and unbalanced [See Table IV]. "Invisible" exports have always been indispensable in balancing France's current international payments and in 1938, with the shrinkage of merchandise exports, revenue from such sources was as large as that derived from merchandise exports [See Table IV]. Even in 1928 however, revenue from "invisible" exports amounted to slightly more than half that derived from merchandise exports. There were however, marked fluctuations in the relative importance of the different "invisible" items [see Section B]. Just before the war of 1939-45 the most important credit item was interest and dividends which were equal to nearly one half of receipts from merchandise exports.

A. MERCHANDISE TRADE

Development of French Trade up to 1929

4. Between 1815 and the fall of the Orleanist monarchy French trade, hampered by prohibitions and a high level of protection, expanded relatively slowly. During the Second Empire, however, it grew rapidly with the stimulus of a more liberal tariff policy and of growing industrialisation. Under the Third Republic, however, the rate of growth was less rapid. Although its broad structural pattern has not been greatly modified - i.e. France has long imported mainly raw and semi-finished products, and exported mainly manufactured goods - there were, both during the nineteenth century and subsequently, marked structural changes within the broad categories. During the first half of the nineteenth century the pattern of French trade was relatively

simple. Raw textiles for her manufacturing industry predominated among imports, accounting for between one-quarter and one-third of the total, while the export trade was dominated by textile manufactures which accounted at first for nearly one half of it, though by 1870 the share had fallen to about one-third. In the early nineteenth century silk manufactures formed the greater part of the textile exports. During the Second Empire a big increase in raw material imports (including those not hitherto of commercial importance) reflected the growing industrialisation. After the ravaging of the French vineyards in 1877 by the phylloxera disease, France began to import wine mainly from Algeria, and wine exports never regained their former importance. By 1913 imports of raw materials for textiles still constituted as much as one-fifth of the total, but imports of fuel (coal, coke and mineral ores) increased to not far short of one-eleventh of the total imports. The increasing demands of industry were also reflected in the growing importance of machinery, tools and metal goods. The diversification of the export trade had already advanced far: the share of textile manufactures in the export trade had fallen to about one-sixth (or one-fifth including clothing and apparel) by 1913, while the share of silk manufactures, which as late as 1870 accounted for about 20 per cent of all exports, had fallen to 5-6 per cent. On the other hand the products of the capital goods industries -- pig iron, iron and steel products, machinery, chemicals, tools and metal goods, were becoming important exports.

5. After the disturbance of the War of 1914-18 and the post-war reconstruction, the years from 1922 onwards were marked by a considerable expansion of the gold value of exports compared with the pre-1914 period. French exports were aided by two factors: the reconstruction of the devastated northern industrial zone together with the recovery of Alsace and Lorraine, and second and more potent, the decline in the external value of the franc, which gave an abnormal stimulus to exports but discouraged imports and so reduced the normally adverse trade balance. Thus in 1913 exports from France (excluding Alsace-Lorraine) were valued at 6.9 milliard francs, while by 1927 they had reached a total of 8.8. milliard francs of 1913 gold value; there was no corresponding rise in the volume of imports. The post-1918 pattern of French trade showed considerable structural changes which reflected the further industrialisation of the country. The post-1918 growth of industry was stimulated both by the re-equipment with state aid of industrial plants in the war-devastated regions, and by the return of Alsace and Lorraine. The unification of the Lorraine iron ore basin within the French frontier greatly increased both France's iron ore resources and her capacity for pig iron and crude steel production. She also regained the textile industry of Alsace, while the progress of her chemical industry was stimulated by the acquisition of the Alsatian potash mines. The exporting power of certain industries such as iron and steel, chemicals, machinery and tools, and metal goods was thus enhanced. By 1928 the share of this group of products in the export trade had risen to about one-fifth in value, whereas in 1913 it was only about one-seventh. At the same time, while the proportionate share of textile exports had begun to fall off in volume as compared with 1913, exports of the more highly finished textile manufactures had tended to increase and those of the less highly finished to decrease. The expansion of the heavy industries stimulated the demand for coal imports, and the demand for mineral oils also increased, as it did throughout the world. Finally, general economic prosperity led to an expanding demand for exotic foodstuffs and wine. The 1920's can, therefore, be characterised as a period of rapid expansion of French

trade, - considerably greater in exports owing to the monetary depreciation - and of a growing importance of the capital goods industries in the export trade, at the expense - largely - of consumers' goods industries. This change in the structure of French exports was paralleled in other industrial countries of Western Europe, largely under the pressure of industrialisation elsewhere.

French Trade during the 1930's

6. The exceptional benefits which French export trade derived from the depreciation of the franc were diminished after its legal stabilisation in 1928 and that year was the high water mark in the volume of goods exported. The volume of imports, however, did not fall off until it was reduced by quotas and other factors after 1930, while the volume of food imports continued to increase until 1931. At the time of the stabilisation of the franc at one-fifth of its pre-war value (see para. 29) France's economic and financial position had been a strong one with a price level (calculated at the new rate of exchange) still considerably below that of her leading competitors; not until 1931 did French economy begin to be seriously affected by the world depression. Successive currency depreciations abroad eliminated the competitive advantage which French exports had hitherto enjoyed - an advantage already diminished as the result of the fall in world prices - and this was particularly serious in view of the magnitude of French exports to the sterling and dollar group countries. While exports in general were impeded by higher French production costs the fall in exports to these countries was particularly marked. Moreover the world economic depression led to the growth everywhere of trade barriers, which had a particularly adverse effect upon French exports because such a relatively high proportion consisted of luxury or high-quality goods. In these circumstances the value of French trade fell sharply after 1929, but, whereas with most countries 1933 marked the bottom of the depression, French trade continued to be hampered by the price disparity and its fall was not arrested. In fact in 1937, a year in which world trade reached a peak, the gold value of French exports had fallen to 29 per cent of that of 1929; total world exports were then 47 per cent of their 1929 good value. The following table shows the course of French trade:

Gold Value of French trade as percentage of 1929

	Exports	Imports
1913	69	72
1929	100	100
1933	36	49
1937	29	44

Imports were reduced during this period both by quota restrictions adopted by the French Government as a means of improving the balance of payments and in consequence of the stagnation of industrial production; in particular the depression in the textile industry led to a decline in the share of textile raw materials in imports. There was little change in the terms of trade (i.e. the price of imports in terms of exports); in 1937 the price of imports was 80 per cent and that of exports 82 per cent of those of 1927.

7. Possessing one of the largest gold reserves in the World, France was never in any danger of being forced off the gold standard, and a widespread fear of inflation precluded voluntary depreciation as a means of inducing economic recovery. A policy of price deflation was accordingly adopted by successive French governments with a view to lowering production costs; these efforts, however, bore little fruit, and up to 1933 budgetary deficits increased. In 1935 under Flandin and still more under Laval the deflationary effort was energetically pursued, at least as regards the fiscal charges and by a series of drastic decrees administrative costs (salaries etc.) were lowered. By the summer of 1935 the gap between prices in the United Kingdom and the United States on the one hand and France on the other had been very much narrowed, partly owing to a rise in prices in the two former countries, and partly because the deflationary policy pursued in France had at length succeeded in lowering French prices. Subsequently, however, the gap between French gold prices and foreign prices tended to increase again, owing to the policy of raising the prices of agricultural products (whose rôle in determining the level of the cost of living was very great) by means of agricultural subsidies and a further quantitative restriction of imports. As a result, wholesale agricultural prices increased very much faster than elsewhere. The net result of this policy of deflation, however, was to lessen to some extent the price disparity between France and countries with depreciated currencies, though at the cost of continuing economic stagnation.

8. The devaluation of the franc in the autumn of 1936 did not have the expected result of stimulating exports and retarding imports. On the contrary, in 1937, the gold value of imports rose by 11 per cent, whereas that of exports rose only by 2.5 per cent. This was due largely to political factors. The social reforms introduced by the Blum Government had the result of raising prices and production costs, ~~and~~ offsetting the effects which would otherwise have ~~flowed~~ from the devaluation. Political antagonism was also aroused, and industrialists, fearing further monetary depreciation, hastened to accumulate stocks. Because of higher costs, manufactured exports did not advance much, the main export increases being those of raw and semi-finished goods. While manufactured goods suffered from the price disparity and after 1936 from industrial troubles, exports of raw materials were better sustained and derived an advantage from re-armament abroad; in particular Germany's purchases of raw materials (e.g. iron ore) increased, while the purchases of manufactured goods fell off sharply. Then in 1938 the position of French trade was affected by the world economic recession. The fall in the volume of imports was greater than in that of exports. In current franc values the trade figures were higher because of the further depreciation of the franc, being greater for exports than for imports, but gold values declined. Broadly, during the thirties, France remained economically depressed and trade stagnated until after the devaluation in 1936; thereafter recovery was only partial owing to political troubles and to the world trade recession in 1938.

Commercial Policy

9. During the first half of the nineteenth century France was a highly protectionist country, but under Napoleon III, who much admired Sir Robert Peel, duties on raw materials and foodstuffs were reduced and the famous Anglo-French commercial treaty of 1860 (the Cobden-Chevalier Treaty) was carried through in the teeth of bitter opposition by French industrialists. This marked a reversal of French policy, established a moderately

protectionist tariff, and, under the spur of British competition, ~~which it engendered~~, stimulated industrial development. The policy of freer trade, however, remained unpopular, and, with the establishment of the Third Republic and the general fall in prices, high protection was restored. The seal was set on this new protectionist policy in the Méline tariff of 1892, behind which French industry undoubtedly developed rapidly. After the War of 1914-18 France sought to free herself from the most-favoured-nation clause, of which she had never been enamoured, and denounced her existing commercial treaties. She attempted to pursue a policy based on reciprocal advantages for all concessions granted, but this policy was a failure. It was the Franco-German commercial treaty of 1927 that marked a return to the unconditional M-f-N clause. This treaty had been made necessary after Germany had, in 1925, regained the full tariff freedom of which she had been temporarily deprived under the Versailles Treaty, ~~and~~ was thus in a position to exercise considerable bargaining power, ~~which~~ It led to the stabilisation by mutual agreement of a large number of duties. ~~It was~~ followed ~~by~~ further similar agreements, notably with Switzerland and with the Belgium-Luxemburg Union. The new tariff régime which resulted involved, therefore, the restoration of the M-f-N clause, which had been at least implicitly condemned in 1919, and the stabilisation of customs duties at their existing level. Indeed during the period 1927/28 France ~~alienated~~ her tariff safeguard freedom to a greater extent than any other European country; in 1930 three-quarters of the items on her customs tariff were stabilised by treaty.

10. The beginning of the world depression in 1929 brought this relatively liberal epoch to an end. France was confronted with the problem of an increase in the quantities of goods imported, at a time when exports were shrinking and when the revenues from the "invisible" credit items were declining as the result of the economic recession. This led to an increasing disequilibrium in the balance of payments. Already in 1929 France had raised duties on agricultural imports, which were not covered by ~~the~~ stabilisation of duties, but, with the growing volume of food imports due to falling world prices, this proved insufficient ~~... and~~ It was impossible to raise tariffs on industrial products, because of the existing stabilisation agreements. In these circumstances France in the summer of 1931 inaugurated a policy of quotas established first of all for agricultural products and certain raw materials such as coal, but later extended to cover all kinds of merchandise. The evolution of the French system of quotas is perhaps the most interesting aspect of French commercial policy during the 1930's. Originally simply an emergency measure in the face of an abnormally large volume of imports and the impossibility of raising tariffs, it eventually crystallised into a permanent instrument of commercial policy, although the freeing of tariff duties from the previous stabilisation agreements was eventually secured by a series of negotiations. It thus marks a step towards greater "étatisme", which has parallels in so many countries. The earliest French quotas were "global" quotas (i.e. only the total amount of the quota was fixed); later, increased administrative control was introduced and each quota was divided up on a geographical basis, each importing country being allotted a quota fixed in accordance with the average received in a given (or so-called base) period. Finally in 1934 France endeavoured to use quotas as a bargaining weapon with which to secure concessions from other countries. Under this system only 25 per cent of the global quota was allotted in accordance with the base period formula, the remaining 75 per cent being divided up among countries on the basis of reciprocity (i.e. in return for

concessions). Although there was some opposition to quotas from upholders of economic liberalism, they increasingly became during the 1930's the normal method of controlling imports.

11. The policy of quotas had only a limited success. Although they succeeded in curtailing imports they could not benefit the French export trade. Indeed as quotas normally have the effect of raising prices, they contributed to the maintenance of the high cost of living, and consequently high production costs, which it was the object of the Government's deflationary policy to reduce and which had led to the stagnation in the export trade. In the second place, the quota policy led to reprisals on the ground that the quota was discriminatory in its incidence and incompatible with the M-f-N clause. In particular the attempt by France to use quotas as a means of reciprocal bargaining was resented, especially by Germany and the United Kingdom. Thus France was in some cases obliged to concede in her trade agreements a guarantee that the other country would be allocated its full share of all quotas on the "base period" principle. Moreover there were other difficulties in the way of using quotas in order to obtain reciprocal benefits, for with countries on which France was dependent for vital raw materials or which were of vital importance to the French export trade, bargaining was not possible. Quotas were not therefore very efficacious in assisting the export trade, but they were regarded as the sole effective means of protecting the balance of payments and came to constitute France's main defensive weapon in conditions of increasing dislocation of world trade.

12. Probably the hardest problem in commercial relations during the 1930's was that of securing the payment of international debts, for international payments were impeded by exchange control regulations and quota systems. Consequently France, in order to secure payments to her exporters, was obliged to enter into clearing agreements with exchange control countries. At the same time, the total or partial suspension of non-commercial debt payments by her debtors made it necessary for her to utilise the clearing mechanism in order to secure at least part of these payments. However, France managed to dispense with the clearing system to a great extent, substituting for it a more convenient arrangement - known as the payments agreement - which enabled the exact ratio of mutual trade to be fixed beforehand.

Franco-German Commercial Relations between the Wars.

13. Like the United Kingdom, Germany was of great importance to France as a supplier of coal and coke; she also supplied France with the products of her industries, such as machinery, chemicals, and musical and scientific instruments. France exported to Germany both raw materials and consumers' goods; during the 1930's however, owing to the German autarkic economic policy, the export of consumers' goods declined sharply and the greater part of French exports to Germany came to consist of raw materials, such as raw wool, hides, and skins and iron ore. The exchange of coal and iron ore was of great importance to both countries /See paper on The Iron and Steel Industry of Western Europe/.

21 14. Before 1925 the inequality imposed on Germany by the Versailles Treaty benefited French exports to Germany, for while France was able to protect herself against German imports by means of tariffs, Germany was obliged to concede the M-f-N clause without reciprocity. The only commercial agreements between the two countries rested on a short-term basis and related to the delivery of German goods under the reparations clauses of the

Versailles Treaty. Furthermore a temporary customs régime existed during these years in respect of Alsace-Lorraine and the Saar (which was included in the French Customs Union until 1934), under which these territories were permitted to export their products up to a certain quantity to Germany free of duty, while until 1924 the Saar was allowed to import from Germany without paying duties. The Franco-German trade agreement of 1927 [See para. 9 above] was naturally more favourable to Germany than to France, since Germany had regained tariff freedom, while after 1931 the depression led to difficulties in the way of mutual trade, especially in regard to French exports of consumers goods.

15. The introduction of exchange control by Germany in 1931 still further hampered French exports, while Germany resented the French system of quotas, which were regarded as discriminatory. In these circumstances commercial relations were strained, and they were not eased by a partial clearing accord concluded in 1932. In 1933 France denounced the 1927 trade agreement. Eventually in 1934 a full and comprehensive clearing agreement was made, which provided for the servicing of Germany's obligations to French creditors in respect of the Dawes and Young loans. Unfortunately the increase in German imports from France, especially raw materials and semi-finished products, rendered the payment of French creditors difficult, and in 1935 France denounced the agreement. A new one was not reached until 1937. Under it, the clearings were suppressed and a payments accord substituted. French exports were theoretically to be free within the limits of a global exchange quota fixed monthly by agreement between the two governments. This quota was to be proportionate to the value of imports of German products into France. A ratio was fixed between imports and exports leaving a credit balance favourable to Germany (i.e. imports from Germany were to be greater than exports to Germany). This balance was to be used partly to meet Germany's financial obligations to French creditors and ~~was~~ partly left at the free disposal of the Reich. Within the global quota granted to French exports to Germany, the articles were divided into groups in such a manner as to prevent exports of manufactured products or foodstuffs from being penalised to the exclusive benefit of raw material exports. These arrangements provided the model for subsequent agreements, ~~e.g.~~ with certain East European countries, ~~and with~~ Italy, Chile, and Ecuador, in which France replaced clearing- by payments-agreements.

Anglo-French Commercial Relations during the 1930's

16. The British market has always been of great importance to France [See Table II] for her luxury products, such as silk, manufactures, wine etc.; it may not be generally realised, however, that nearly half of British imports from France were of such goods as raw wool, hides, pit-props, iron and steel (since 1918) and machinery. On the other hand, France's imports from Britain were until the 1930's much smaller than her exports to this country; coal accounted for about half their total value. The effect on French exports to the United Kingdom of the devaluation of the pound sterling was, therefore, serious for France. Furthermore, commercial relations became strained after 1931. Friction arose as the result of the French policy of imposing an exchange surtax operating, so as to wipe out the export premia secured by depreciated currencies, and of using quotas as a bargaining weapon to secure reciprocal concessions. In 1932 the abolition of the surtax in most other cases where it operated and its non-application to the United States, after the devaluation of the dollar, increased British resentment. In 1933 a tariff war broke out and the United Kingdom threatened reprisals against

French merchandise, if the exchange surtax was not abolished. The French complied, but at the same time imposed fresh quota restriction on British merchandise, which wiped out the advantages that British exporters would otherwise have obtained. While the United Kingdom was to receive in the first instance only 25 per cent of the share of the quotas theoretically open to her, Belgium and the United States were to receive the whole of their shares. The British strongly objected to this discrimination and France yielded so far as to grant to the United Kingdom the whole of her share of the quotas for most articles and 75 per cent for the remainder. The British, however, remained dissatisfied, and in February 1934 imposed a 20 per cent surtax on a number of French articles including silk and leather goods, gloves, clothing etc. This was followed by mutual reprisals until in June 1934 an agreement was reached, under which France conceded to the United Kingdom the whole of her share of all the existing or future quotas to which she was entitled under the "base period" formula.

Franco-American Commercial Relations during the 1930's

17. The United States has always been for France an important source of raw materials, especially raw cotton and petroleum. France also imported machinery from the U.S.A. On the other hand French exports to the U.S.A. - which included luxury products such as wine, spirits, and millinery, and raw wool and hides and skins - were very much less in value. In 1936 France signed the first commercial treaty concluded with the U.S.A. since 1922. Previously the Hawley-Smoot tariff of 1930 and subsequently the slump in the U.S.A. had restricted French exports to the United States. French quotas, moreover, had reduced the amount of United States merchandise imported into France. The commercial treaty of 1936 constituted part of the Hull programme, which, by means of reciprocal tariff reductions, aimed at a greater measure of liberalism in international trade relations (see paper on U.S. Trade and Shipping Interests). The difficulty during the negotiations was that, while the United States favoured the M-f-N clause and permanent tariff reduction, France disliked the former and preferred supplementary (and revocable) quotas. In the treaty France was obliged to concede the M-f-n clause de facto, although she would have preferred to benefit from it without having to concede it. Moreover, while the United States remained wedded to the conception of a stabilisation of duties (hitherto embodied in all the treaties concluded under the Hull programme), it accepted on this occasion a fairly short list of guarantees of stabilisations; France also slightly reduced her minimum tariffs on a number of articles of interest to the United States and made certain concessions in regard to quotas. France was granted by the United States important tariff reductions, which benefited a wide range of her exports. On both sides the doctrine of "principal supplier" was applied, i.e. the concessions were in respect of those commodities for which each country was the principal supplier of the other, in order, so far as was consistent with the M-f-N clause, to prevent any third party from benefiting. Finally there was a provision permitting a revision in the event of any variation in the exchange rate. This clause might have been invoked at the time of the depreciation of the franc, had it not been for the Tripartite "Gentlemen's Agreement" signed on the 15th September, 1936, which established an alignment of the franc, sterling and dollar (see para. 29).

Multilateral Agreements

18. France was a party to several multilateral agreements between 1930 and 1933, none of which bore fruit, though which were designed to check the growing protectionism throughout the world. In

1933 at the abortive World Economic Conference in London, a clash arose between the French thesis, supported also by Italy, that the restoration of monetary stability must precede the application of a liberal tariff policy, and the opposing view held by the U.S.A. and the United Kingdom. The "gold bloc" countries, (viz Netherlands, Belgium-Luxemburg France and Switzerland), however, signed a monetary accord, and, in October 1933, reached an agreement relating to the desirability of increasing mutual trade by bilateral agreements, but little was gained and the bloc soon disintegrated. Finally there was the tripartite monetary agreement of 1936 - after the devaluation of the franc - between France, the United States and the United Kingdom, which created a solid link between the three currencies and provided some stimulus to international trade (see para. 29).

Imperial Economic Relations

19. The serious contraction of French export markets during the 1930's and the growing autarkic tendencies everywhere, led France to concentrate increasingly on fostering trade with her empire, in an effort to offset the contraction of her trade with foreign countries. Before the War of 1914-18 the trade of France with her overseas territories had constituted only a little over one-tenth of the total in value. The share subsequently rose, and during the 1930's it came to constitute between one-quarter and one-third of the much diminished total trade. French imperial trade fell in gold value between 1929 and 1937, although there was probably a rise in the stream of imports into France; non-imperial trade, of course, fell rapidly both in gold value and in volume, as described above.

Trade of French Empire as percentage of total French trade

	Imports	Exports
1909/13	11.0	12.9
1929	12.0	18.9
1933	23.7	32.5
1936	28.5	33.4
1937	24.6	28.2
1938	27.1	27.5

This marked growth, which can be paralleled elsewhere, e.g. in the British Empire, indicates that, in face of the breakdown of the normal trade channels, France was increasingly dependent on her empire, both as a market for her exports, and as a source of supply. Various circumstances favoured this development. First, trade between France and her empire benefited from an especially advantageous commercial régime. In the second place, just as the price disparity, which hampered French exports during the period 1931-36, encouraged a diversion of exports to the empire, so colonial products similarly handicapped had a corresponding inducement to gravitate towards France and were enabled to do so by French restrictions on imports from foreign countries. On the other hand it must not be forgotten that the depression and the fall in world prices of primary products hit the French empire hard and so restricted the extent to which it could purchase French goods, while such of its products as enjoyed world markets, suffered not only from low prices but from a competitive disadvantage compared with products of countries with depreciated currencies. The relative growth of French trade with the

empire was in great part due to the disruption of world trade, but was also influenced by a tendency towards autarky similar to that which operated elsewhere.

20. The limitations on trade between France and her empire were, however, fairly stringent. The French overseas possessions were poor and at a relatively low level of economic development. Consequently their capacity to absorb French exports was severely restricted; ~~and~~ apart from Algeria, the largest single market and the most important territory economically, Furthermore Fr. colonies ~~they~~ bought chiefly cotton textiles and other relatively cheap consumers' goods. Equally, the actual extent to which the Empire was able to satisfy French needs was limited, in spite of the encouragement given to the production of commodities of which France stood in need, e.g. rubber from Indo-China, coffee, bananas etc. In only a small range of commodities, such as phosphates from North Africa, cocoa from West Africa and rice from Indo-China, did the Empire enjoy a virtual monopoly of the French market. Empire products dependent on world markets derived only limited benefits from French imperial preference. Finally several of the most important empire products, such as wine from Algeria and cereals from North Africa and Indo-China, competed with French home production. French wine growers sought to restrict wine imports from North Africa and although France increasingly turned to her empire to make good her deficiency in cereal production, she wished the quantities to be imported annually to be determined by the year-by-year harvest variations in France. This conflict between French and empire producers proved during the 1930's a particularly intractable problem, especially in regard to wine.

21. French colonial policy in the economic sphere was based on the law of 1928, which consolidated a number of previous regulations. Apart from Algeria, which had been included in the French customs area since 1884, French overseas possessions were divided into two groups, assimilated and non-assimilated or autonomous colonies. The first group - including Indo-China, Madagascar, Réunion, French Guiana, Guadeloupe and Martinique - enjoyed free trade with France and in principle applied the French tariff to foreign goods. Between France and the autonomous colonies a preferential tariff prevailed, except where treaty obligations or the existence of a mandate necessitated the application of the "open door" principle, as in Morocco. After 1928, French policy was directed increasingly towards economic integration, and an imperial economic conference held in 1934-35, although largely barren of achievement, marked a new French attitude towards imperial problems. Some positive steps were taken and tariffs in the non-assimilated colonies were lowered to the benefit of inter-imperial trade and raised against the outside world. The power of such colonies to fix their own rates was restricted in order to direct their trade towards France. In 1938 the Government denounced the Anglo-French Convention of 1898, which provided for equality of opportunity in certain West African areas. In 1931 the French inaugurated a policy of taxing certain commodities, ~~which~~ coming from foreign countries ~~which~~ competed with similar colonial commodities, in order to provide financial aid to colonial producers, but this policy was effective only in cases where foreign imports were large in relation to colonial imports. Finally colonial products were - in general - exempted from the French quota restrictions after their inauguration in 1931, and some colonies were permitted to impose quantitative restrictions on foreign imports.

The Pre-War Pattern of Trade

22. The general pattern of French trade was not greatly affected by the War of 1914-18, but was seriously disrupted by the world depression and by the barriers to trade which arose out of it. Thus, whereas formerly two-thirds of French exports were sent to Europe, by 1938 little more than half of them went there. The share taken by the United Kingdom, in particular, was affected by the devaluation of the pound sterling and the tariff war (see para. 17) and shrank very much during the 1930's, although it recovered somewhat after 1936. The fall in the share taken by Germany was similarly very marked. Europe had always constituted by far the most important foreign market for French exports, and, since it was impossible in the circumstances to extend French sales in overseas foreign countries very greatly, France was obliged to recoup herself for her lost markets in Europe by diverting exports to her empire, which thus during the 1930's increased its relative share in the French export trade. Europe was not so outstanding as a source of French imports although important as a source of supply of manufactured goods and of coal and coke, but equally during the 1930's its share of French imports declined. During this period the French empire similarly came to supply an increasing proportion of imports at the expense of foreign countries.

Share in French trade (percentage)

	Imports		Exports	
	1928	1938	1928	1938
Europe	43	34	64	55
Other Foreign Countries	44	39	18	18
French Overseas territories	13	27	18	27

B. OTHER CURRENT ITEMS OF THE BALANCE OF PAYMENTS*

Interest and Dividends

23. Before 1914 the largest "invisible" credit item in France's balance of current payments was the interest and dividends derived from French investments abroad. In 1913 the gross yield of such revenues was over 9 milliard francs (expressed in 1928 gold values), which was about one-third of the value of merchandise exports, and the net revenue from this source was more than sufficient to offset the passive balance on merchandise trade transactions. The subsequent fluctuation in such revenues was considerable. The loss of French investments as the result of the war of 1914-18 and its aftermath (see para. 28) reduced them to between 2 and 3 milliard francs (1928 gold values). During the 1920's fresh investments were made by France; the yield from interest and dividends slowly increased and by 1929 had reached about 6 milliard francs, which was, however, even then, only about one-seventh of the value of merchandise exports. The slump led to a sharp fall in their yield, but from 1934 onwards interest and dividends again increased owing to world economic recovery, and in 1938 they amounted to about 4 milliard

* The estimates of the French balance of payments are compiled in such a manner as to refer not to the customs territory of France, but to France and her overseas territories with the exception of Indo-China. Thus the merchandise trade between France and the territories mentioned and the capital issues in France for the account of these territories have been excluded in the statistics quoted in this paper, in so far as they refer to items in the balance of payments (See also Table IV).

francs.

Other Services

24. Tourist Expenditure. The tourist trade was of considerable importance to the French economy before 1914, and the expenditure of foreign tourists in France has always greatly exceeded that of French tourists abroad. The net yield from such expenditure is known only imperfectly and estimates vary widely. Before the War of 1914-18 the net revenue from tourists averaged about 3 milliard francs annually. During the 1920's France derived great economic benefit from foreign tourists, especially during the period of the depreciation of the franc - 1921 to 1926 -, owing to the low cost of living; the estimates given for the years 1925 and 1926 - the best years - which may have been put too high - give a net revenue of 10 milliard francs, or perhaps one-fifth of that of merchandise exports. Subsequently, however, the tourist trade was severely hit by the slump and the high cost of living in France, and during the 1930's the revenue from tourists fell to a mere fraction of its former level.

25. Shipping Freights, Insurance and Transit. Of these three items, shipping freight is much the most important. The income from shipping was generally smaller than that from interest and dividends or tourists, although it was larger than that derived from the diminished tourist industry of the 1930's. Before 1914, the net income from shipping averaged about 1,600 million francs annually. After 1918 there was a considerable increase in the tonnage of the French mercantile marine, and the net income from shipping during the 1920's averaged over 3 milliard francs annually. The growth of the French mercantile marine was, however, less rapid than those of certain other countries, nor was French shipping ever notably efficient. It was assisted by operating subsidies, which during the 1930's amounted in some years to more than £3 million, and a very high proportion of the vessels were old. During the 1930's the slump and the prolonged depression in the French export trade hit French shipping very hard, especially as the percentage of exports carried in French bottoms has always been much higher than that of imports. Subsidies were largely increased, while between 1929 and 1938 the gross tonnage of the French merchant fleet (vessels of over 100 gross tons) fell from 3,379,000 to 2,903,000 gross tons. As the result of the prolonged depression in French shipping, the net income from freights declined and in 1938 only amounted to 1 milliard francs (in 1928 gold values). Payments on account of reparations from Germany also loomed large during the 1920's (they ceased after 1932); during these years such payments in cash together with the value of those in kind exceeded the net revenue from shipping freights. In the years 1927/29, for example, they averaged between 6 and 7 milliard francs annually.

26. Debit Items. Before 1914 the sole debit item of any importance in the French balance of current payments was merchandise imports. During the 1920's, however, Government payments on account of war debts loomed large; they then averaged about 1,500 million francs yearly, but diminished after 1928 and ceased altogether in 1933.

27. The expansion of French industry after the War of 1914-18, coupled with the heavy war losses in manpower and the low birth rate, led to a big influx of foreign workers into France. As a result, the remittances sent home by such workers - unimportant before 1914 - became of considerable importance during the 1920's, averaging about 2 milliard francs annually. With the slump and the continuance of industrial depression, unemployment and

repatriation greatly reduced such payments, and by 1938 they had fallen to only 250 million francs.

C. THE CAPITAL ITEMS

Foreign Investment

28. Before 1914 France was the second most important creditor nation in the world, having become important as a capital exporting country mainly after 1885. It has been estimated that in 1914 French investments abroad amounted to 45 milliard francs, including 27.5 milliards in Europe, nearly a half of this being invested in Russia. Many of these loans had been placed for political reasons, and in the upheaval caused by the War of 1914-18 and the subsequent defaults, more than half were rendered worthless. By 1919 French investments abroad were estimated at only 18 milliard francs (in 1914 gold values). After the war French investors were reluctant to grant long-term loans in view of their painful experiences after 1918; nevertheless there was a resumption of foreign investment after the war, although on nothing like the pre-war scale, and much of such capital was repatriated between 1928 and 1933. It is probable, however, that much of the capital which sought safety abroad during the period of inflation was either hoarded in the form of gold or left in short-term deposits. After the stabilisation of the franc in 1928 and until 1931 there was a further growth in long-term capital investment on something more like the pre-war scale, but the crisis in the United States in 1929, and later the departure of Great Britain from the gold standard, brought this movement to an end, and led to a reversal of the trends.

French portfolio of Colonial & Foreign Long-term investment, 1933, in Milliards of francs

	Francs Milliards
Pre-war holdings revalued in 1928 francs	35
Capital subscribed to new colonial and foreign issues, 1919-28	5
Capital involved in purchase of long-term foreign securities, 1919-28	10
Purchases of foreign securities and new issues for colonies and abroad 1928-33	22
	72
Less sale of foreign securities, 1931-33	12
Total in 1933	60

Much of the new investment during the 1920's was political rather than purely economic, and was designed to strengthen the position of France's eastern allies - Poland and the Little Entente. The coming of the world depression in the 1930's

brought this renewed investment to an end and, although there were very extensive capital movements, they were predominantly in short-term funds or gold movements. It is equally certain that during the 1930's French investors suffered heavily from the extensive defaults on foreign loans by debtors, especially in Central Europe.

Capital Movements and Exchange Rates

29. Movements of French short-term capital during the two inter-war decades were very considerable. During the War of 1914-18 the very large import surplus had been financed by British and American credits, and, when these ceased in 1919, the franc fell in value. Subsequently, although in 1920 France had a passive merchandise trade balance of some 20 million francs, she was able to meet this situation and to sustain the value of the franc by means of large private credits from abroad. Between 1920 and 1924 these short-term debts were repaid, but the balance of current payments was adjusted without involving serious difficulties. Unfortunately, however, the budgetary position grew progressively worse as the French government's hopes of financing reconstruction out of receipts from Germany were not realised. Eventually in 1925 this led to an inflationary situation and there was a rapid fall in the value of the franc. This in turn led to a flight from the franc, French capital being exported abroad for safety. The franc, however, was ultimately stabilised de facto in 1926, vigorous measures having been taken by the Poincaré administration for the restoration of the finances. It was undervalued in relation to other currencies, and, because of the continued efflux of short-term funds from France owing to a desire to escape the high taxation imposed by the budget reforms, this undervaluation was enabled to continue. By the end of 1928 French balances abroad amounted to some 58 milliard francs, of which the Bank of France held about 27 milliards and the Treasury about 10 milliards. Moreover, out of consideration for the interests of other central banks, the Bank of France had hesitated to convert its holdings into gold. But, with the legal stabilisation of the franc in 1928 at 124.21 francs to the pound sterling, French short-term capital exports ceased. During the next four years these short-term balances were repatriated, and there was a massive inflow of gold, much bigger in scale than the foreign lending undertaken by France during these years. As a result French gold holdings became unhealthily large. There was still further repatriation of what was left of these short-term funds in 1932, while the Bank of France was able to convert into gold what remained of its holdings in foreign exchange. These inward capital and gold movements in 1932 ~~for~~ more than compensated for the progressive withdrawal of the foreign deposits, which had sought refuge in France after the devaluation of sterling and other currencies in 1931. Capital and gold movements were on a much smaller scale in 1933 and 1934, but by 1935 the internal credit situation had deteriorated, and exports of capital recommenced. In 1936 the protracted deflation brought about serious social unrest and the withdrawal of capital was accelerated by fears of a left-wing electoral victory and possible devaluation. Between April and June the Bank of France lost more than 21 milliards of gold and foreign exchange. Although the Popular Front government did not wish to devalue, the flight of capital continued and by the autumn devaluation had become inevitable. In October, therefore, the value of the franc was reduced to 105 francs to the pound sterling. This devaluation took place as part of the so-called Tripartite Monetary Agreement of September 25, 1936, an informal agreement between Great Britain

X Where does the argument end? SH

France and the U.S.A., which provided for co-operation in the technical operation of the stabilisation (or exchange equalisation) funds of the three countries. All three governments undertook inter alia to act together, in order to avoid "as far as possible any disturbance of the basis of international exchanges resulting from the proposed readjustment of the franc. The agreement was still in force at the outbreak of war in 1939 despite the further devaluations of the franc in 1937 and 1938 (see below). Owing to dislike of the Popular Front government in business circles, and to the drastic social legislation, especially the forty-hour week, confidence was not restored and the flight of capital from France was not arrested. In 1937 there was a further fall in the franc. Finally the successors of the Blum Government embarked on a reversal of the previous policy, ~~aimed at securing business confidence,~~ and in May 1938 the franc was finally stabilised at 179 francs to the pound. This policy proved successful and soon there was a steady repatriation of capital from abroad.

D. Conclusion & Prospects

30. The acute and prolonged depression during the 1930's tended to hinder what was probably the most significant development in the French economic structure during the two-inter-war decades, namely the growth of industrialisation and in particular of the capital goods industries. The effect of this industrial growth upon France's export trade during the inter-war period was, as has been indicated, considerable. French textiles and luxury goods steadily diminished in relative importance, while the proportion of capital goods exported to total exports revealed a steadily expanding tendency even during the 1930's. In commercial policy France's most important contribution to the new commercial practices of the 1930's was her introduction and development of the quota as a means of regulating and controlling imports. French commercial methods during the 1930's were less novel - and hence less interesting - than those of Germany. Nevertheless the quota system, which she initiated, did become a very important method of commercial defence during that decade.

31. From 1940 to 1944 French trade was dominated by Germany; nearly all French non-imperial exports went to Germany and, as with all other occupied countries of Europe, a large clearing balance accumulated in Berlin to the credit of France. The volume of French trade with the outside world dropped to a low level, but imports from the African possessions were fairly well sustained until November 1942. Thus France lost a large part of her traditional markets. The capacity of her industry (which had already been affected by the long depression) to compete in world markets has been lessened by war damage and by the difficulty during the war years of replacing out-of-date equipment and of maintaining plant, although certain branches of industry which were developed by the Germans are in satisfactory condition. The economic dislocation of the post-liberation period and the difficulty of returning to an equilibrium of prices and wages, added to the ~~disastrous~~ coal shortage and persistent transport difficulties, have made the resumption of France's export trade very difficult. Her traditional exports of quality goods will be hindered, as in the 1930's, by the restrictions which most countries will probably place at first on the import of luxury goods, and, while the export possibilities of her iron and steel industry are great, in order to profit by them France must obtain coal from Germany. Moreover, her invisible exports will be lessened through loss of freight revenue, until her shipping losses can be made up, and the lucrative tourist traffic cannot be expected to recover immediately. Reparations are, as yet, an incalculable factor. Nevertheless France must needs import large quantities of raw materials, manufactures

and foodstuffs for the restoration of her standard of living and for purposes of reconstruction, so that she will be faced with a heavy adverse balance for some years to come.. The recent devaluation of the franc to the rate of 480 to the pound for France, North Africa and the Antilles (the old rate of 200 being maintained in the French Pacific Possessions and a rate of 282.35 fixed for the rest of the Empire) should make possible the resumption of exports. But it remains to be seen whether this rate can be maintained and whether the high costs of production in France can be brought down. The incidence upon costs and productive efficiency of the programme of nationalization of industry must also be taken into account.

32. While France has come out of the war in a better position than the United Kingdom as regards gold and foreign investments and indebtedness, she is faced with the necessity of borrowing, in order to finance her import programme. She has adhered to the Bretton Woods Agreement, but is hoping for economic assistance if she is to fulfil her obligations under it. She will in any case be forced to exercise strict control over imports for some years to come, although agricultural specialisation may lead to some modification of the former restrictions on cereal imports. Her general tariff policy will clearly depend upon world economic conditions, ~~and~~ on international arrangements, and also on the political complexion of her Government.

25th January, 1946.

Research Department,
Foreign Office.

TABLE I Principal French Imports and Exports 1935

Imports

A. From Foreign Countries

Total Value (in thous. francs) 15,562,411

Commodities	Percent of total foreign imports	Chief Supplying countries. Share in Imports.
Coal and coke	12.2	U.K. 1/3 + Germany 1/3 + Belgium-Luxemburg 1/3
Raw Wool	7.7	Australia ½ Argentina 1/10 +
Petroleum	7.3	Iraq 1/3 + U.S.A. ¼
Raw Cotton and Linters	6.6	U.S.A. ½ Egypt ¼
Machinery	5.2	Germany 1/3 + U.K. 1/7 Switzerland 1/10 U.S.A. 1/5
Oilseeds	4.1	British India 1/3 Argentina ¼
Fresh, dried and preserved fruits	3.5	Spain 1/3 + Italy 1/10 Spanish Morocco 1/7 and Canaries
Coffee	3.2	Brazil ½ +
Chemical products	2.9	U.K. 1/5 Germany 1/5 Belgium-Luxemburg 1/5 U.S.A. 1/6
Metal Products	2.0	U.S.A. 1/10 Germany 1/3 + U.K. 1/10 Belgium-Luxemburg 1/10
Raw Hides and Skins	2.0	U.S.A. ¼ Canada 1/3
Timber	1.9	Sweden 1/5 Finland ¼ U.S.S.R. 1/5
Woodpulp	1.8	Sweden ½ - Finland 1/10 +

Principal French Exports

A. To Foreign Countries

Total value (in thous. francs) 10,582,807

Commodities	Percentage of total exports to foreign countries	Chief Countries of destination Share taken by.
Iron and steel Products	7.1	U.K. 1/7 - Italy 1/6 Germany 1/7 - Belgium-Luxemburg 1/10 - Switzerland 1/10 -
Raw Wool	6.3	Belgium-Luxemburg ¼ + Germany 1/6 - U.K. 1/6 - Czechoslovakia 1/7
Chemical Products	5.5	Belgium-Luxemburg 2/3 - Switzerland 1/10 + Netherlands 1/10 +
Silk and rayon manufactures	4.1	U.K. 1/3 + U.S.A. 1/10 + Belgium-Luxemburg 1/10 -
Ores of all kinds	4.0	Belgium-Luxemburg ½ Germany ½ -
Machinery	3.9	Belgium-Luxemburg 1/5 + and numerous other countries both in Europe and in other continents.
Raw hides and skins	3.2	Germany 1/5 + U.S.A. 1/5 + Belgium-Luxemburg 1/5 U.K. 1/10 - Netherlands 1/10 - Italy 1/10
Cereals	3.2	U.K. 1/3 + Italy 1/5 - Belgium-Luxemburg 1/10
Motor vehicles and parts	3.1	Belgium-Luxemburg 1/5 - U.K. 1/10 + Switzerland 1/10 Spain 1/10 +
Wine	3.1	U.K. 1/3 - Switzerland 1/10 Belgium-Luxemburg 1/10 + U.S.A. 1/10 +
Tools and Metal Products	2.6	Belgium-Luxemburg 1/10 + Switzerland 1/10 and many other countries.

A. To Foreign Countries (contd.)

Commodities	Percentage of total exports to foreign countries	Chief Countries of destination Share taken by:
Wool yarn	2.1	Belgium-Luxemburg 1/3 Netherlands 1/3 -
Spirits	2.0	U.K. 1/3 - U.S.A. 1/7 - Sweden 1/10 -
Silk and rayon yarns	1.7	Switzerland ¼ Germany 1/7 Argentina 1/10 + Italy 1/10 U.K. 1/10 -
Coal and coke	1.7	Switzerland ½ - Italy 1/6 Belgium-Luxemburg 1/10 +
Cotton yarn	1.5	Belgium-Luxemburg 1/3 + Germany 1/10 + Roumania 1/10 Switzerland 1/10 -

---oooOooo---

B. To French overseas territories

Total value (in thous. francs)

Commodities	Percentage of total exports to French territories	Chief Countries of destination Share taken by:
Cotton Manufactures	12.3	Algeria 1/3 + Tunisia 1/7 Indo-China 1/5 French West Africa 1/10 +
Crude and refined sugar	6.2	Algeria ½ + Morocco 1/3
Motor vehicles and parts	5.9	Algeria ½ - Morocco 1/10 +
Tools and Metal Products	5.8	Algeria 1/3 + Morocco 1/10 + Indo-China 1/10 + Tunisia 1/10
Machinery	5.7	Algeria ½ - Indo-China 1/10 Tunisia 1/10 Morocco 1/10 -
Iron and Steel Products	2.7	Algeria ½ - Indo-China 1/6
Chemical Products	2.6	Algeria ½ +
Vegetable oils (excl. olive)	2.3	Algeria 2/3 +

TABLE II

SHARE IN EXPORTS

Destination by Principal Countries

Per Cent

	1913	1929	1933	1938
Algeria	8.0	9.6	17.6	12.4
United Kingdom	21.3	15.1	9.1	11.6
Belgium-Luxemburg	16.1	14.4	11.6	13.6
Switzerland	5.9	6.8	4.7	6.3
U.S.A.	6.1	6.7	3.6	5.5
Germany	12.6	9.5	9.3	6.0
Netherlands	1.2	2.5	3.1	4.4
Tunisia	1.5	2.0	2.7	3.2
Indo-China	3.0	3.3	2.0	1.2

SHARE IN IMPORTS

Countries of Origin

Per Cent

	1913	1929	1933	1938
Algeria	3.9	5.1	13.6	10.5
U.S.A.	16.6	10.3	12.3	11.4
United Kingdom	13.3	10.0	6.7	7.0
Germany	12.7	11.4	10.3	6.9
Belgium-Luxemburg	6.6	6.7	6.3	6.9
Indo-China	1.2	1.2	2.8	4.1
French West Africa	0.8	1.4	1.3	3.3

B. From French Overseas territories

Total value of Imports (in thous. of Francs)

5,382,840

Commodities	Percentage of total colonial imports	Share probided by chief supplicrs
Wine	21.6	Algeria practically all
Cereals	15.2	Algeria 1/3 Morocco 1/5 Tunisia 1/5 Indo-China ¼
Oilseeds	10.3	French West Africa ¾
Sugar	6.4	Martinique 1/3 - Réunion 1/3 Guadeloupe 1/5
Spirits	5.0	Algeria ½ + Martinique 1/5 Guadeloupe 1/5
Rice	4.0	Indo-China all

To French overseas territories (contd.)

Commodities	Percentage of total exports to foreign countries	Chief Countries of destination Share taken by
Perfume and soaps	2.0	Algeria ½ +
Paper	1.8	Algeria ½ Tunisia 1/5 -
Rubber manufactures	1.6	Algeria ½ - Morocco 1/10 Indo-China 1/10 + Tunisia 1/10

TABLE III

COMMERCIAL BALANCE

	1911/13 average	1934/36 average	1936/37
	in Millions of francs (re-valued in gold-values: 1928 francs)		
France overseas	+ 30	- 919	-2,041
Industrial European countries (U.K., Belgium, Switzerland, Italy)	+ 5,307	+ 564	+ 352
Germany	- 928	- 647	-1,068
U.S.A.	- 2,265	-1,290	-1,475
Other Countries	-10,363	-4,275	-6,360
Balance of Foreign trade	- 8,249	-5,648	-8,552
Balance of external trade, foreign countries + France overseas	-8,279	-6,567	-10,593

* covers France and the French overseas possessions in millions of francs of 1928

+ = net outward) movement of
- = net inward) capital

TABLE IV

BALANCE OF PAYMENTS*

(unofficial estimates taken from Revue d'économie politique)

Current Account (millions of francs of 1928)

	1913	1924	1926	1929	1932	1935	1937	1938
Merchandise	-7,302	+ 400	- 2,000	-19,011	-10,015	- 600	-10,050	-6,100
Insurance, transit, shipping	+1,898	+2,930	+ 3,442	+ 3,600	+ 2,300	+1,600	+ 1,480	+1,100
Tourists' expenses	+3,571	+6,340	+10,530	+ 8,500	+ 2,500	+ 750	+ 1,300	+1,750
Interests and Dividends	+8,875	+2,904	+ 2,274	+ 5,500	+ 600	+4,000	+ 3,925	+4,200
Remittances of foreign workers	- 148	-2,380	- 2,673	- 2,500	- 1,200	- 750	- 650	- 250
Payments made by French Govt.	-	-	- 2,318	- 600	- 500	- -	-	- -
Balance	+6,894	+10,194	+ 9,255	+ 4,489	- 6,315	- 400	- 3,995	+ 120

Capital Items

New capital issues	-	+2,550	+ 1,393	- 900	-1,645	+1,773	+ 1,650	)
Repayment and negotiation of securities	+1,948	-	- 1,927	- 2,237	+4,750	-	+ 605	) + 25
Foreign exchange operations	-	-2,640	+ 1,458	+ 5,297	+17,844	-	-	)
Reparations receipts	-	+3,300	+ 3,078	+ 700	-	-	-	)
Balance	+1,948	+3,210	+ 3,840	+ 8,860	+20,949	+1,773	+ 2,255	+ 25
Balance of known operations of the balance of payments	+5,682	+8,322	+13,095	+ 4,844	-2,366	+16,375	+ 4,760	-3,095
Invisible capital movements, errors and omissions	exports 5,682	exports 8,322	exports 13,035	exports 4,844	imports 2,366	exports 16,375	exports 4,760	imports 3,095
Gold Movements	imports 3,150	exports 150	-	imports 8,565	imports 17,000	exports 15,000	exports 6,500	imports 3,000

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Z

Z 13380

7 DEC 1945

1945

FRANCE

Registry Number Z 13380/103/17

FROM Paris Commercial Department to Western Department.

No. CD 19/45

Dated 5th Dec. 1945

Received in Registry 7th Dec. 1945

Activities of Captain Bur.

Refers Western Department's letter of 22nd November (Z 12681/103/17). Information in telegram was given by Commandant de Sibour of French Ministry of Agriculture to Mr. Herbert-Smith.

Capitaine Bur is not attached to French Buying Mission in South America.

Last Paper.

Z13376

References.

(Print.)

(Minutes.)

Copy Chancery, Buenos Aires Rep.

Z 12681.

9/12

S. American Dept. Jews (1)

(How disposed of.)

8/ Chancery Buenos Aires.

~~Adv.~~ 20 Dec.

(Action completed.)

Tels 31/1/46.

(Index.)

25/6/46

Next Paper.

Z 13422

Commercial Department,
BRITISH EMBASSY,
PARIS.

5th December, 1945.

Our Ref. C.D.19/45,

Dear Department,

Your Z.12681/103/17 of 22nd November about Capitaine Bur. The information in the telegram from the Ministry of Food to which you refer came from here and was given to Herbert-Smith, the Ministry of Food representative (who as you know, is now on the staff of the Commercial Department) by Commandant de Sibour, attached at the time to the Ministry of Agriculture and now Liaison Officer with the French on the British Army staff. We can, therefore, say that quite definitely there is something against the man. We can also say that he is not attached, either officially, or unofficially, to the French Buying Mission in South America although it is possible he may so represent himself.

Yours ever,
COMMERCIAL DEPARTMENT.

Western Department,
Foreign Office,
S.W.1.

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1945

Z

FRANCE

Z 13422

9 DEC 1944

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Z 13422/103/17

French Ambassador.

No. 892.

5th
9th December

dkt'd.

Ruhr Coal for France.

2 pp.

pp in Dept

Last Paper.

213380

References.

(Minutes.)

See within:
1) F.O. Minute Mr Hoyer Millar 8 Dec.

See also m Z 13208

H.F. Simpson 11/12

(Print.)

Supply - Relief Dept.

(Should a copy of this Minute (& any subsequent correspondence) have to be sent to Mr Eaton Griffith at the Ministry of Fuel & Power as this all directly affects E.C.O.

T. Warner
Dec 12

(How disposed of.)

Off. The Chancellor of the Duchy of Lancaster (from the S of S) (J.P. Hynd M.P.) Dec/D

8) comes Mr. Eaton Griffith M of Fuel & Power.
Mr. McGregor M/Prod.
Brig. Skinner W.O.
Mr. Brent M.W.T.
9) Paris. 22/12 Dec 14
P.T.O.

Yes. Copy also to Mr McGregor (Min. of Prodn), Brig. Skinner (W.O.), Mr Brent (M.W.T.) and Paris, together with S/S' letter to Mr Hynd. Registered a/a

H.F.S. 12/12

(Action completed.)

(Index.)

Next Paper.

Z 13469

See within:
1) Mr Hynd to S/S 9 Dec. 1944

2908z F.O.P.

The proposed meeting has now been

497

1945

Z

FRANCE

213

Z 13422

9 DEC 1944

Z 13422/103/17

French Ambassador.

No. 892.

5th
9th December

dkt'd.

Ruhr Coal for France.

2 pp.

PP in Dept

Last Paper.

213380

References.

(Minutes.)

See within: 1) F.O. Minute of Hyde Milan of 8 Dec.

See also on Z 13208

H.F.D. Simpson 11/12

(Print.)

Supply - Retinq Depr.

Could a copy of this Minute (& any subsequent correspondence) please be sent to Mr Eaton Griffith at the Ministry of Fuel & Power as this all directly affects E.C.O.

J. Warner
Dec 12

(How disposed of.)

Off. The Chancellor of the Duchy of Lancaster (from the S of S) (J.P. Hynd M.P.) Dec/D

8) copies Mr. Eaton Griffith M of Fuel & Power.
Mr. McGregor M/Prod.
Brig. Sumner W.O.
Mr. Brunt M.W.T.

9) Paris. 22 Dec 44
P.T.O.

Yes. Copy also to Mr McGregor (Min. of Prodn), Brig. Sumner (W.O.), Mr Brunt (M.W.T.) and Paris, together with S/S' letter to Mr Hynd. Registered a/a

H.F.D. 12/12

(Action completed.)

6 Jan

(Index.)

Next Paper.

Z 13469

See within:
1) Mr Hynd to S/S of 7 Dec. 1944

The proposed meeting has now been

been arranged for the 21st Dec. at 11 am at Norfolk House. I have made sure from Miss Maclean that the French Embassy are aware of the arrangements and all that seems necessary on our part is quite a brief reply to their Note. ~~Offl.~~ sent to Div. 18/12.

After consulting Miss Maclean, I asked Mr Godfrey at Paris whether the Embassy wished to be represented and have now learnt that Mr Kerrick will come (after I had sent a saving tel. confirming my conversation with Mr G.): I have told Miss M.

H.D. 18/12

Action cont 2/4

D/f) Fr. Ambassador
Dec 18-

8) Mr. Eaton-Griffiths
Mr. McGregor
Brig. Sumner.
Mr. Bruist MWT.
Miss Maclean
Dec 19-

Tel) Paris 2984 (6)
Dec 18-

8) Miss Maclean
Mr Eaton-Griffiths
Dec 19-

215

13422 105/17

I understand that the French Ambassador is coming to see the Secretary of State this morning. I imagine that M. Massigli is probably coming to discuss the Moscow meeting, but he may perhaps raise the question of coal for France from the Ruhr in regard to which there have been a good many references in the newspapers recently.

Put shortly the position on this is that a few days ago the French Embassy sent us a long, reasoned Note setting out the complaints of the French Government over the short-deliveries from the Ruhr, emphasising the vital importance to France of coal supplies during the coming winter and requesting H.M.G. to summon a meeting in London in the near future of French and British experts at which the whole position should be explored. M. Massigli went to see the Chancellor of the Duchy of Lancaster yesterday to talk over the whole question with him. We suggested that the Chancellor should adopt as sympathetic an attitude as possible to the French and that he should agree in principle to summon and preside over the suggested meeting. Subsequently I saw M. Massibli and gathered from him that he was well satisfied with his talk with Mr. Hynd. The latter had, I gathered, agreed to summon the meeting and to preside over it himself.

In the circumstances I think all that is necessary, if the French Ambassador raises the matter with the Secretary of State, is for the latter to express sympathy with the French and H.M.G.'s desire to help as far as practicable. He might, however, indicate to M. Massigli that the suggestions in the French press that we have been deliberately making things difficult for the French for political reasons are not only of course quite unfounded but not calculated to improve the admosphere.

Perhaps, too, the Secretary of State would agree to write to the Chancellor of the Duchy of Lancaster on the lines of the attached draft. This will put our position on record.

.....

Massigli informed me that it was Bevin's wish that every effort should be made to find a solution of the Coal + Transport problem. A meeting of Experts seems a good idea. I agree to such a meeting. Bevin 9/12

8th December, 1945.

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AMBASSADE DE FRANCE
À LONDRES.

entre Z

3 pl

5 décembre 1945.

6 cpl

F 13422

9 DEC

Monsieur le Secrétaire d'Etat,

Je me permets de vous adresser, ci-joint, un mémorandum au sujet des livraisons à la France de charbons de la Ruhr. Ce mémorandum fait état des instructions adressées, d'une part au représentant français au Directoire Economique à Berlin, Monsieur Sergent, et d'autre part à Monsieur Gueronik, délégué français à l'Organisation Européenne du Charbon.

Comme vous le verrez, le programme des livraisons est loin d'être exécuté en ce qui concerne le mois de novembre et les perspectives de décembre ne sont pas non plus encourageantes.

J'ai à peine besoin d'appeler votre attention sur les graves répercussions de cette situation sur l'économie française. Le Gouvernement français vient d'être obligé d'imposer des restrictions si sévères à la consommation de l'électricité que les consommateurs ne disposent pas, à l'heure actuelle, de plus d'énergie qu'au cours des plus mauvaises semaines de l'hiver dernier. Il est évident que si cette situation devait se prolonger, il serait vain d'espérer que le redressement de l'économie française, si heureusement amorcé, pût se poursuivre. Il faudrait même s'attendre au contraire.

Aussi vous serais-je particulièrement reconnaissant d'intervenir auprès des autorités britanniques compétentes afin de hâter l'examen de cette question et de dégager les méthodes grâce auxquelles les expéditions des charbons de la Ruhr à destination de la France pourront reprendre dans des conditions satisfaisantes.

A cet égard, il conviendrait d'une part que Sir Percy Mills

The Hight Hon. Ernest BEVIN, PC., M.P.
Principal Secrétaire d'Etat de Sa Majesté
pour les Affaires Etrangères

.....

UR4164/3244/851

étudiât de très près avec Monsieur Sergent les demandes françaises et les appuyât de son autorité. Par son mémorandum en date du 27 novembre le Foreign Office a bien voulu donner à cette Ambassade des assurances relatives au volume total des expéditions des charbons de la Ruhr. Au cours de sa séance du 4 décembre, l'Organisation Européenne du Charbon a adopté une résolution dans le même sens. Le Gouvernement français attache un prix particulier à ce que cette question, qui fait l'objet du paragraphe 9 du mémorandum ci-annexé, reçoive une solution satisfaisante.

Il apparaît, d'autre part, très opportun de provoquer la réunion à Londres des personnalités françaises et britanniques intéressées en vue d'étudier les moyens de réaliser des conditions de transport satisfaisantes en ce qui concerne l'expédition des charbons de la Ruhr à destination de la France.

Je vous serais particulièrement reconnaissant de l'attention avec laquelle vous voudrez bien examiner ces divers points qui sont d'une importance vitale pour l'économie française./.

Veuillez agréer, Monsieur le Secrétaire d'Etat, les assurances de ma très haute considération.

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Ecpl 218

M E M O R A N D U M

sur les fournitures de Charbon de la RUHR

à la FRANCE

-:-:-:-:-:-:-:-:-

1. Aux premiers jours de Décembre 1945, la situation charbonnière de la France se présente de façon extrêmement grave. A un moment où, à la suite d'une sécheresse exceptionnelle, la production d'électricité d'origine hydraulique est tombée à un niveau anormalement bas, et où, par conséquent, la consommation de charbon par les centrales thermiques s'élève de 425.000 Tonnes environ à plus de 700.000 Tonnes par mois, le ralentissement d'importations déjà insuffisantes est venu mettre en péril la vie même du Pays. C'est ainsi que les stocks de charbon des centrales de la Région Parisienne sont tombés à deux jours et demi de marche, et que le Gouvernement a été conduit à prendre des décisions extrêmement graves et notamment l'arrêt pendant trois jours par semaine de toutes les industries non prioritaires.

2. La chute des importations affecte à la fois les expéditions américaines et celles de la Ruhr. Pour les premières, il y a là une conséquence de la grève des mineurs du mois d'Octobre, et, en principe, le retard qui a d'ailleurs affecté dans une plus ou moins large mesure tous les Pays de l'Europe Occidentale, mais qui dépasse 300.000 Tonnes pour la France, doit être rattrapé dans les mois à venir.

3. Tout autre est le cas de la Ruhr. Pendant le mois d'Octobre, sur une allocation totale de charbon allemand pour la France qui s'élevait à 28I.500 Tonnes, Sarre incluse, les chargements n'ont pas dépassé 222.400 Tonnes, alors que le pourcentage de réalisation du programme était de I00% pour le Luxembourg et de plus de I00% pour la Hollande et la Belgique. En Novembre, sur une allocation totale de charbon allemand de 404.000 Tonnes, la France devait recevoir 3I3.000 Tonnes de la zone britannique (Ruhr, Aix-la-Chapelle et Cologne): à la date du 27 novembre, I76.000 tonnes seulement avaient été chargées dont II4.000 par rail; le chiffre correspondant pour le mois tout entier serait de I9I.000 Tonnes, soit 6I% de l'allocation alors que la moyenne générale de réalisation du programme paraît devoir dépasser 80%; ajoutons que le chiffre des arrivages est bien inférieur à celui des chargements et qu'au 27 Novembre, nous n'avions encore reçu que 68.800 Tonnes malgré une forte accélération des arrivages dans les derniers jours. Les perspectives de Décembre ne sont, jusqu'à présent, guère plus encourageantes: d'une part, à la suite d'une décision du Directoire Economique de Berlin, le total des exportations allemandes vers tous les pays membres d'ECO a été réduit de I.200.000 Tonnes à 900.000 Tonnes et, par suite, l'allocation de charbon de

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la Ruhr pour la France n'est plus que de I98.500 Tonnes au lieu de 3I3.000 Tonnes; d'autre part, les autorités chargées du transfert dans la zone britannique ne veulent nous expédier sur cette quantité que 62.500 Tonnes par rail, le reste devant emprunter la voie d'eau et, par suite, n'arriver au consommateur français que dans un délai assez long.

4. ECO a reconnu le bien-fondé des plaintes de la France en ce qui concerne l'effet particulièrement grave de cette carence et a demandé aux autorités de la zone britannique d'accorder une priorité aux expéditions pour la France, d'abord - par télégramme daté du 7 novembre - pour les expéditions de Novembre ensuite - par télégramme du 22 Novembre - pour Décembre. On vient de voir que, malgré cette demande, le programme de transport par rail a été réduit substantiellement en Décembre.

5. Le seul obstacle à la réalisation intégrale des allocations d'ECO provient des transports. En effet, la production totale de charbon de la Ruhr et du bassin d'Aix, et de briquettes de Cologne, dépasse maintenant 4 millions de Tonnes par mois et les stocks qui dépassent 6.000.000 de Tonnes s'accroissent régulièrement. Cependant la difficulté semble n'être pas aussi générale que l'on pourrait le croire puisque le pourcentage de réalisation des programmes est bien plus élevé pour d'autres pays que pour la France. En fait, l'interruption presque totale des expéditions pour la France au début du mois de Novembre résulte d'une décision des autorités de la zone britannique, décision motivée par ces autorités par le fait dont l'inexactitude a été d'ailleurs constatée comme il est dit au par. 6 ci-dessous, que la France n'aurait pas rempli ses obligations en matière de trafic des wagons. De même, la décision de Berlin de réduire le tonnage exporté d'Allemagne de I.200.000 Tonnes à 900.000 Tonnes a été aussi justifiée par l'impossibilité de transporter un tonnage supérieur.

6. Pour clarifier ces questions de transport, des réunions d'experts de différents pays ont été organisées par ECITO à Bruxelles et à Essen. La première de ces réunions a constaté de manière formelle que les Chemins de Fer Français avaient rempli leurs obligations de maintien du pool de wagons de la zone britannique, c'est-à-dire qu'ils avaient renvoyé de France autant de wagons qu'ils avaient reçus. En outre, un supplément de 3.700 wagons a été sorti de France vers la zone britannique, supplément qui, à lui seul, à raison de I8 Tonnes par wagon et pour une rotation en I8 jours, devrait suffire à transporter de la Ruhr vers la France I40.000 Tonnes de charbon par mois; le supplément s'accroît en ce moment de 670 nouveaux wagons, soit 30.000 Tonnes par mois.

7. A la réunion d'Essen, tenue le 27 novembre, les experts ont reconnu

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d'autre part que le débit possible des voies ferrées était supérieur à celui prévu au programme de transports de Décembre et qu'il serait possible d'augmenter le tonnage exporté de la zone britannique vers les pays situés à l'Ouest du Rhin de 420.000 Tonnes par mois,- soit I5 trains par jour, dont 4 via Herbestal, à travers la zone britannique et 11 via Remagen, à travers les zones française et américaine . Il est possible qu'une réunion tenue à Bielefeld et dont nous ignorons encore les résultats ait abouti à des conclusions analogues en ce qui concerne les transports vers les régions situées à l'Est du Rhin. Quoi qu'il en soit, le Gouvernement Français est prêt à fournir un nouvel effort et à exporter un tonnage supplémentaire de wagons pour tirer parti des disponibilités de transport reconnues par les experts. Ces derniers ont d'ailleurs reconnu que si le programme par fer restait fixé à moins de I40.000 Tonnes par mois sur la France, celle-ci serait fondée à retirer le nombre correspondant de wagons par non-compensation à ses frontières.

8. De tout celà, il résulte que la France estime avoir fait des efforts suffisants pour être à même de recevoir toutes ses allocations, y compris les arriérés d'Octobre et de Novembre. Il semble malheureusement que les autorités responsables de la zone britannique ne partagent pas ce point de vue . Il importe donc que les personnes responsables des deux côtés examinent en toute franchise et par contact direct les causes de cette divergence et se mettent d'accord sur les mesures à prendre. A cet effet, il nous paraît essentiel de tenir la réunion à Londres sur l'initiative et sous la présidence du département ministériel britannique chargé des affaires allemandes. A une telle réunion, à laquelle devraient, semble-t-il participer les représentants des deux pays au Directoire Economique, au Directoire des Transports et les autorités chargées des transports en zone britannique, en zone française et en France, pourraient en outre utilement figurer un représentant d'ECO et un représentant d'ECITO.

9. D'autre part, les conclusions de la réunion d'Essen doivent logiquement conduire à un relèvement immédiat de la part de charbon allemand réservé à l'exportation, la décision du Directoire Economique qui l'a réduite à 900.000 Tonnes prévoyant expressément qu'il s'agit là d'un chiffre provisoire et que l'apparition de toute nouvelle possibilité de transport doit entraîner le retour au chiffre de I.200.000 Tonnes. Aussi, le Gouvernement Français a-t-il instruit son représentant au Directoire Economique d'approcher son collègue britannique pour que soit affectée à l'exportation la marge de capacité de transport qui resterait disponible une fois qu'aurait été rattrapé le retard du programme britannique. Le Gouvernement français espère que le Ministère Britannique chargé des affaires allemandes voudra bien donner des instructions dans le même sens à son représentant au Directoire Economique et aux Autorités de la zone britannique.

10. En ce qui concerne la répartition des tonnages supplémentaires qui pourraient être ainsi évacués vers l'Ouest du Rhin ; si certains pays fournissent des moyens de transport supplémentaires, la délégation française à ECO demandera qu'elle soit réservée aux pays qui auront à fournir cet effort et en outre qu'il soit tenu compte de la situation extrêmement grave de l'approvisionnement de la France en charbon.

11. En résumé, le Gouvernement Français demande que pour faire face à la situation extrêmement grave qu'entraîne l'insuffisance des expéditions de la Ruhr:

a) la priorité reconnue à la France par ECO soit maintenue jusqu'à ce que soit rattrapé le retard des expéditions sur la France par rapport à celles effectuées sur les autres pays.

b) une réunion des personnalités françaises et britanniques intéressées étudie à Londres, sous l'égide des Départements britanniques compétents , les moyens de réaliser effectivement cette priorité et d'éclairer toutes les administrations britanniques et françaises sur les possibilités de transport.

c) le montant total des expéditions allemandes soit augmenté en tenant compte des nouvelles capacités de transport mises en évidence à Essen et des moyens de transports fournis par les pays allocataires.

Sur tous ces points, le Gouvernement Français demande l'appui du Gouvernement Britannique et il compte sur sa collaboration et son intervention auprès des Autorités Britanniques à Berlin et dans la Ruhr.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z/3422/103/17

A.R.

Draft.

Rt. Hon J. B. Hynd M.P.
The Chancellor of the Duchy of Lancaster.

From the Secretary of State.

X OC pre m.
OUT FILE

222

10 December, 1945

I understand that you have already seen a copy of the French Ambassador's note of 5th December about the export of coal from the British Zone to France and that you have in fact already discussed it with M. Massigli himself.

There is no doubt that this unexpected failure to provide the French with the coal to which they are entitled under their allocations has come as a serious blow to ~~the French authorities~~ them. The enclosure to the Ambassador's note describes the effect which the shortage is having on production and we are, moreover, being accused in some quarters in France of having deliberately engineered it for political purposes, ~~namely for bringing~~ in particular in order to bring pressure to bear on the French Government to come into line with the other three Powers about Germany. We need not ~~perhaps~~ take these allegations too seriously, but they are a measure of the psychological effect of the unexpected ~~shortage~~ short-fall ~~of~~ in deliveries.

I feel sure that the French suggestion that you should summon and preside over a meeting of experts to go into these transport difficulties is the best ~~thing~~ that could be done in the circumstances. They will be able to air their grievances at this meeting and it will be possible to find out what exactly has been responsible for the delays. + to Provide a Solution -

EB

6 cpl. 223

OUT FILE

(Z 13422/103/17). 10th December, 1945.

Dear Hynd

I understand that you have already seen a copy of the French Ambassador's note of 5th December about the export of coal from the British zone to France and that you have in fact already discussed it with Monsieur Massigli himself.

There is no doubt that this unexpected failure to provide the French with the coal to which they are entitled under their allocations has come as a serious blow to them. The enclosure to the Ambassador's note describes the effect which the shortage is having on production and we are, moreover, being accused in some quarters in France of having deliberately engineered it for political purposes, in particular in order to bring pressure to bear on the French Government to come into line with the other three Powers about Germany. We need not take these allegations too seriously, but they are a measure of the psychological effect of the unexpected short-fall in deliveries.

I feel sure that the French suggestion that you should summon and preside over a meeting of experts to go into these transport difficulties is the best that could be done in the circumstances. They will be able to air their grievances at this meeting and it will be possible to find out what exactly has been responsible for the delays, and to provide a solution.

Yours sincerely,

Ernest Bevin

The Right Honourable
J.B. Hynd, M.P.,

Kenyon 2134 14a 22

224

CONTROL OFFICE
FOR GERMANY AND AUSTRIA,
NORFOLK HOUSE,
ST. JAMES'S SQUARE,
LONDON, S.W.1.

Your ref: (Z 13422/103/17).

December 1945.

Dear Bevin,

MI 10/1/46 Secs.

Thank you for your letter of 10th December about the export of coal from the British zone to France.

When I met the French Ambassador last week he reiterated the difficulties set out in his Note of 5th December, a copy of which he had sent me. M. Massigli stressed that a breakdown in the supply of electricity would inevitably lead to strikes and widespread discontent which he was afraid might be exploited politically but he did not argue the question of wagons and was quite content to leave this to a meeting between the French officials and ourselves.

I fully agree with you that this is a matter where we and the French should meet round the table and see what each side can do to resolve the difficulties which have caused the short-fall in deliveries, and I informed M. Massigli that I would arrange this and

Copy sent as, and together with, reply. urgently. Reminder soon /would

would preside personally over the meeting, with representatives of our Control Commission from Germany in attendance as well as representatives of other Government Departments here.

I had hoped that our first meeting would be held this week but I understand the French officials will probably not be able to leave for a few days. As soon as we can get together I can assure you I will do my best to find a solution.

Yours ever
John Hynd.

The Rt.Hon. E. Bevin, M.P.,
Secretary of State for Foreign Affairs,
Downing Street, S.W.1.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z 13422/10/17

H.D. 18/12

Draft.

French Ambassador

Copy -
Mr Evelyn Griffith,
Mg. of F. & T.
Mr McGregor, Mg/Proctr.
Brig. Simmer, W.O.
Mr Brenchi, M.W.T.
Miss Maclean, Norfolk House

226 18a

18th Dec. 1945

OUT FILE + 6 cp!

Y.E.,

With reference to your Note No. 872 of the 5th Dec. on the subject of deliveries of coal from the RUHR to France, I ~~understand~~ have the honour to state that, as I understand Y.E. is already aware, arrangements have been made for a meeting between French and British experts to take place at 11 a.m. on Friday, 21st /

21st December, at ~~Norfolk~~ the Control Office for Germany & Austria (~~Holy~~ Norfolk House) under the chairmanship of the Chancellor of the Duchy of Lancaster. I hope that this meeting will facilitate an early satisfactory solution of this complicated problem

JM

NOTHING TO BE WRITTEN IN THIS MARGIN.

228

OUT FILE

FOREIGN OFFICE, S.W.1.

No. X 12423/103/17 18th December 1948.

Your Excellency,

With reference to Your Excellency's Note No.878 of the 8th December on the subject of deliveries of coal from the Ruhr to France, I have the honour to state that, as I understand Your Excellency is already aware, arrangements have been made for a meeting between French and British experts to take place at 11 a.m. on Friday, 31st December, at the Control Office for Germany and Austria (Norfolk House) under the chairmanship of the Chancellor of the Duchy of Lancaster. I hope that this meeting will facilitate an early and satisfactory solution of this complicated problem.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,
(For Mr. Attlee)

(Sd.) F. R. HOYER MILLAR

His Excellency
Monsieur René Massigli, K.B.E.,
etc., etc., etc.,
5, Carlton Gardens,
S.W.1.

228

OUT FILE

FOREIGN OFFICE, S.W.1.

No. Z 13423/103/17 18th December 1943.

Your Excellency,

With reference to Your Excellency's Note No.378 of the 5th December on the subject of deliveries of coal from the Ruhr to France, I have the honour to state that, as I understand Your Excellency is already aware, arrangements have been made for a meeting between French and British experts to take place at 11 a.m. on Friday, 31st December, at the Control Office for Germany and Austria (Norfolk House) under the chairmanship of the Chancellor of the Duchy of Lancaster. I hope that this meeting will facilitate an early and satisfactory solution of this complicated problem.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,
(For Mr. Attlee)

(Sd.) F. R. HOYER MILLAR

His Excellency
Monsieur René Massigli, K.B.E.,
etc., etc., etc.,
3, Carlton Gardens,
S.W.1.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z 13422/103/17

Draft.
H.M. Chargé d'Affs
Paris

Telegram.

No. 2984 Sav.
(Sav)
Dec. 18.

en clair

Dépêche No. (F.O.)

Copy -
Miss Maclean,
C.O.G.A.,
Norfolk House
Mr Eaton Griffith,
My. of F.O.

OUT FILE

229

19/12
Despatched 2 Dec M.

IMPORTANT

My despatch No. 2214
[of Dec. 15th: French proposal for meeting between British and French experts to discuss deliveries of coal from the RUHR to France].

Meeting has been arranged for 11 a.m. on Friday, December 21st, at Norfolk House under chairmanship of ~~Duke~~ Chancellor of Duchy of Lancaster.

You may wish to be represented by FRASER or KERNICK, but we leave/

entirely to you)
leave (decision as to whether or
not anyone attends from the
Embassy).

2. Above is in confirmation
of Simpson's telephone conversation
with Godfrey.

18/12

NOTHING TO BE WRITTEN IN THIS MARGIN.

231

OUT FILE

Z 13422/103/17

[EN CLAIR] DEPARTMENTAL NO. 1.

FROM FOREIGN OFFICE TO PARIS

NO. 2984 SAVING 18th December, 1945.

VVVVVVV

IMPORTANT

My despatch No. 2214 [of December 15th: French proposal for meeting between British and French experts to discuss deliveries of coal from the Ruhr to France].

Meeting has been arranged for 11 a.m. on Friday, December 21st, at Norfolk House under chairmanship of Chancellor of Duchy of Lancaster. You may wish to be represented by Fraser or Kernick, but we leave entirely to you decision as to whether or not anyone attends from the Embassy.

2. Above is in confirmation of Simpson's telephone conversation with Godfrey.

498

1945

Z

FRANCE

Z 13469

232

Allocation of coal for France.

With reference to Paris telegram 1321(Z13206/103/17) and 1323 (Z13207/103/17), outlines points of which he wishes Mr.Duff Cooper to be informed.

Registry Number Z 13469/103/17

FROM J.Eaton Griffith Ministry of Fuel and Power to Mr.Warner.

Dated 7th December,1945.

Received in Registry 10th December,1945.

Last Paper.

Z 13422

References.

(Print.)

(How disposed of.)

(Minutes.)

No further action seems necessary on this as all this will no doubt be brought up at the meeting at Norfolk House on the 21st Dec., to which H.M. Embassy at Paris are sending a representative (Mr Kennick).

H.S. 18/12

Supply - Fuel & Power Dept

(Action completed.) 10/1/46

(Index.) 10/1/46 JDW

Next Paper.

Z 13471

We can also refer Z1
Th. Duff Cooper about the oil developments - meeting at Norfolk House etc. - recorded in the file

Ministry of Fuel and Power,
7, Millbank,
London, S.W.1.

233

7th December, 1945.

Dear Warner,

Z13206/103/17

When talking to Ronald and you last night I had not seen Mr. Duff Cooper's telegrams 1321 and 1323. Z13207/103/17

In view of these telegrams I imagine you will wish to keep Mr. Duff Cooper informed, if you have not already done so, on the lines explained orally to you. You will remember that the main points I made were:-

(a) Whatever may prove to be the rights or the wrongs of the wagon position, which at the moment is by no means clear, it is the fact that France received from the Ruhr in November only 69% of their allocation as compared with an average to all liberated areas of 80%.

(b) I had personally been seized with the importance of the acute French coal position and had put myself out to let them see this and to help wherever possible.

(c) As one of the main French difficulties arose from the drying up of their hydro-electric power, U.K. had offered to make available within the next week or two 10,000 tons of coal of the quality which could be used direct for the generation of electricity. If necessary, this quantity would be over and above the U.K. coal already allocated to France by E.C.O. for December arrival.

P.T.O.

E.R. Warner, Esq.,
Foreign Office,
S. W. 1.

Z 13469

(d) I took Messrs. Parisot, Gueronik and Pascal Dupuy to the new Control Office and supported their case in front of Mr. Mark Turner. As a result Mr. Mark Turner sent the telegram to Germany which you have already seen.

(e) E.C.O. have passed a Resolution to the effect that the priority already given to France should be maintained throughout December with a view to bringing France's total receipts for November and December at least on a par with those for other liberated areas.

Fraser telephoned me from Paris yesterday morning when I gave him a short account of the above. Fraser was glad and said that the action taken was no doubt responsible for a marked lessening of criticism of the British in the French Press that morning.

Yours sincerely,

J. EATON GRIFFITH.

496

Z

235

Z 13471

Registry Number Z 13471/103/17.

TELEGRAM FROM
War Office

No. communicated.

Dated Sugra 239

Received in Registry 5 December, 1945.

10th December, 1945.

Coal supplies from the Ruhr.

States that the French are dissatisfied with the present supplies of coal from the Ruhr, and asks that the November allocation be carried over to December.

Last Paper.

Z 13469

References.

(Print.)

(How disposed of.)

(Minute) D.W.O. Comm'd. Tel No BGCC 3017 of 7th Dec.

See on Z 13208

11/12

(Action completed.) Rej 11/12/45

(Index.) 10/1/46 JHS.

Next Paper.

2 & ~~Z 13471~~ 13529

This message will not be distributed outside British or US Government Departments or HQs or re-transmitted even in Cipher without being paraphrased.

HR 4574
7 DEC 1945

FROM: TROOPERS DTG: 052040Z

TO: BERCOMB

INFO: CONCOMB

713471

CCLB/BM/G/123/1. 5 DEC 45.

RESTRICTED. SUGRA 239.

We received yesterday a visit from three officials of the French Supply Mission in London who complained about coal supplies to France from the Ruhr. They agreed that the present bottleneck is transport and not coal production but pointed out that in November in spite of the high priority allotted to her by ECO she only received 69% of her allocation which is substantially lower than that received by any other country. They were also seriously perturbed by the large reduction as compared with November in the quantities to be carried throughout by rail and pointed out that the corresponding increase in IWT was no real compensation since the waterborne imports take three to four weeks longer.

2. The above points were put forward yesterday morning by the French to ECO which agreed that in view of the exceptionally serious coal position in France it would inform the military authorities in Berlin that contrary to normal practice the arrears in the French November allocation would be carried forward to December and ask that as an interim measure the rate of throughout rail shipments to France during the last 10 days in November should be maintained.

3. We were asked by the French officials to telegraph to you supporting the ECO resolution and this we promised to do. We pointed out however that the throughout rail movements for export in December would be smaller than November and we did not think that it would be possible for you to maintain the end November rate to France for long without seriously reducing quotas to other countries. If this was to be avoided and shipments to France maintained additional wagons would be necessary. The French though agreeing in principle with this statement seemed reluctant to offer more wagons until the argument has been cleared up on whether France has or has not returned to Germany all the wagons that she has received. They did eventually admit that if you could make them a firm offer of additional coal against wagons to an amount of about 100000 tons it would be helpful.

4. The Foreign Office are anxious to do everything possible to assist the French at this juncture particularly on account of the shortage of electric power and the reduction in programmed coal imports from America. It would assist us therefore if you could let us know:-

(a) for how long you could maintain throughout rail exports to France at the end of November rate without

/seriously

seriously interfering with allocations to other countries:

(b) the additional wagons and locomotives you would need to maintain December allocations and increase throughout rail shipments to France by say 100000 tons.

5. For your information the French are pressing for a meeting to be arranged in London in the near future to discuss the whole transport situation in the British Zone in so far as it affects coal exports. In addition to their own experts and interested Departments here the French would like representatives of British Element from Control Commission ECO and ECITO to be present. It would be politically difficult for us to oppose such a meeting and we would like therefore to know the earliest date next week on which your coal and transport experts could attend a meeting in London.

ALL IMPORTANT

STANDARD ARGUS/SUGRA DISTRIBUTION BY OOLB

Mr. Mark Turner(Originator)

5 Dec 45

2165

MI 10/7/46 238

CCLB/BM/G/123/1

FROM: BERCOMB 071100A

TO: TROOPERS

INFO: CONCOMB

13471 / 103 / 17

BGCC 3017 (ECON/75/HQ). RESTRICTED.

For CCLB. Reference SUGRA 239.

Holding meeting Zone Sunday to examine French loadings and future possibilities. Will reply regarding meeting in London immediately afterwards.

STANDARD ARGUS/SUGRA DISTRIBUTION BY CCLB

Mr. Mark Turner (for action)

NOTE BY CCLB: Although this message was not received in the ARGUR/SUGRA series it has been given the STANDARD ARGUS/SUGRA DISTRIBUTION.

7 Dec 45.

10 DEC 1945

500

1945

Z

713529

239

Registry Number Z 13529/103/17

TELEGRAM FROM War Office communicated.

No. ARGUS 234.

Dated 10th Dec.1945

Received in Registry 12th Dec.1945

Coal for France from the Ruhr.

Refers to SUGRA 239 (Z 13471/103/17). Gives details of allocations to France, discusses means by which these can be increased.

Last Paper.

(Z 13471)

References.

(Print.)

(How disposed of.)

(Minutes.)

See within:

1) Sir W. Strang, Berlin : Mr Coulson of 11th Dec

This can all be fought out at the meeting which is to take place at Norfolk House on the 21st Dec. (See Z 13422)

H.J.D. 18/12

Supply - Also see 18 Relief Dept. (Mr Warner)

(Action completed.) 10/1/1946. 10/7/46 Files.

(Index.)

Next Paper.

Z 13541

240

713529

CCLB/EM/G/123/1

From : Bercomb.

101230A

To : Troopers.
Info : Concomb.

MOST IMMEDIATE

ARGUS 234. RESTRICTED. For CCLB.

Reference SUGRA 239. - 21371.

1. Despatches to France against ECO allocations amounted to:-

August 83.9%. September 77.9%. October 65.8%. November 69.1%.

2. This short fall was due mainly to the continuous loss of wagons to the French which towards the end of October amounted to some 8,000 wagons.

3. After repeated warnings to all concerned, including ECO, we were compelled to suspend loadings from the 26th October to the 6th November in order to meet other commitments in some measure.

4. We estimate that even today we are still over 4,000 wagons short on French account and there are additional heavy wagon losses in respect of other consignees.

5. The reason for our continued losses seems to be that the ECITO weekly wagon exchange decisions do not result in the required wagons reaching the British Zone. For example, since the 9th November we have lost some 10,000 wagons out of the British Zone. This matter is being taken up with ECITO.

6. So far as the French are concerned we have no reason to believe that it is SNCF who have failed to keep the wagon exchange agreement as we do not receive wagons direct from SNCF, but as stated above, they are not reaching the British Zone in accordance with the weekly allocations.

7. As a result of wagon losses there will be a short fall in deliveries by rail to all consignees this month and we are not maintaining the end of November rate by rail to France at present.

8. We could improve deliveries to France on the following conditions at the expense of other consignees who have, for reasons explained below, fared better.

9. We cannot, however, admit the principle of making good backlogs at the expense of the allocation plan without quadripartite agreement, which, in our view, would not be forthcoming.

10. The ECO allotment for France out of export allocation for December is 198,500 tons. If you approve the preference in paragraph 8 we will endeavour to implement this in full, despatching 62,500 tons by rail and 136000 tons by water subject to the barges being provided as arranged and subject to the ability to move 30,000 tons upstream, which is not possible at present owing to the low water level.

11. If the French are prepared to send us through the French Zone or through Belgium 400 wagons a day for seven days from the 12th December in excess of existing wagon exchange agreements, we will load further coal for France additional to the amount due for December to the greatest extent possible. To save time we will take up the question of extra wagons direct with the French.

12. It is considered impracticable to take French locomotives at short notice and we will use our slender resources for this purpose, but we may request assistance later.

13. The reasons why other consignees have obtained a fuller implementation of their allocations are following:-

(A) Numbers of wagons had to be restored to Belgium and Holland over a considerable period to clear traffic debit and advantage was taken of this fact to send them loaded with fuel.

(B) The Dutch and Belgians possess considerable barge fleets and see to it that they are employed in fulfilling their allocations though we do our best to look after French interests and continue to press this point. Unfortunately the French seem unable to help much in this respect.

/ 14. Shipment .....

14. Shipment of coal to France along the Rhine is slow, but we must move the coal this way when possible if we are to make full use of all transportation resources.

15. As only immediate action can improve French position, this month we are proceeding on the lines of this communication. Nevertheless, we would welcome the meeting suggested in your paragraph 5. It is difficult at this time to find suitable officers to attend a meeting in London at such short notice, but await your wishes on this point. Might it not be better to hold such a meeting in the British Zone where personnel and records are available and in which French representatives here could also participate?

Standard ARGUS/SUGRA Distribution by CCLB

Mr. Mark Turner, Norfolk House (for action).

10 Dec 45.

2. 242

OFFICE OF THE POLITICAL ADVISER
TO THE COMMANDER-IN-CHIEF

ADV. HQ.
CONTROL COMMISSION FOR GERMANY
(BRITISH ELEMENT)
BERLIN
BAOR

13529 103 117

11th December, 1945.

Dear John,

Pub to Jam 14/12

You have seen Argus 234 which is the Control Commission's reply to Sugra 239 about coal supplies for France.

We note the Foreign Office view as expressed in paragraph 4 of Sugra 239. General Robertson wants me to say, however, that, as he sees it, the problem is purely a technical one, a matter of transport and in particular of wagons, and that political considerations cannot have much practical effect on its solution. However much we may want to help the French, if they will not send us the wagons back we cannot fulfil the due allocation of coal.

Yours ever,

William Strang

J. E. Coulson, Esq.,
Foreign Office.

MI
10/7/46

500 A

1945

Z

Z13541

243

Registry Number: Z13541/103/17

FROM Mrs James
Board of Trade to Mr Simpson
No.

Dated

Received in Registry: 8/13/Dec 1945.

French coal for Switzerland

Transmits copy of letter to Mr North (Min of Fuel and Power) reffering to Berne tel 534 Comp/y saving (Z13321/10/43) and discussing clause of Franco-Swiss trade agreement providing for export of coal from France to Switzerland.

Last Paper.

Z 13529

References.

(Minutes.)

Mrs James.

YS. 19/12

(Print.)

(How disposed of.)

Mrs James (B/T)
to Mr Simpson
Dec 29
Mr North (Fuel & P.)
Dec. 31
Copy Mr Godfrey (Paris)
with Mr Simpson's
comps. Dec 31

(Action completed.)

RC 31/12

(Index.)

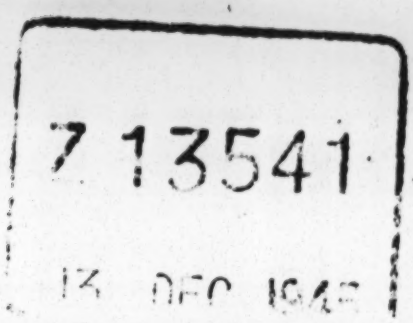
9/7/46

Next Paper.

Z13560

Copy with Mrs. James' Compliments.

244



Board of Trade,

Millbank,

S. W. 1.

8th December, 1945

Dear Mr. North,

Coal For France.

I understand that you do not get copies of Special (Economic, Supply and Relief) telegrams, and so I am writing to draw your attention to telegram No. 534 Comply Saving from Berne.

213321/10/43

This telegram gives us details of the recently signed Franco-Swiss trade agreement which was concluded on November 16th and says that among the goods which France will export to Switzerland is coal. The telegram continues " The Coal quota of 42,000 tons per month corresponds to quantities delivered in 1937/38 but part is dependent upon the use of Swiss motor tugs on the Rhine for French traffic. In addition, 8,000 to 13,000 tons coal are to be delivered in compensation for electricity and pit props. (According to the press, the price of French coal will be one third lower than that from the United Kingdom and U.S.A.). Switzerland also expects to receive 5,000 tons of coal monthly from the Saar against deliveries of timber."

It is, of course, reasonable that France should build up her export trade in all available goods as soon as possible. Indeed, it is also in our interest, since if we want to trade with her it is essential that her economy should be restored forthwith. However, it seems somewhat surprising that at a time when the shortage of coal in France threatens her industrial recovery so much, that she should be exporting so important a resource within the next 6 months (the period towhich this

/agreement

R. North, Esq.,
Ministry of Fuel & Power,
7, Millbank,
S.W.1.

17 DEC 1945

agreement applies), and you may be interested to consider the point.

I am sending copies of this letter to Mr. Simpson (Foreign Office), and Mr. Godfrey (British Embassy, Paris).

Yours sincerely,

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z 13541/103/17

Draft. P.B.M.

Mrs James,

B/T

from Mr Simpson

Supply & Relief Dept

Copy -
Mr North,
My. of T. & T.
Mr Godfrey,
Paris
~~Miss Stevens, Myst~~

99th Dec. 1945

F2c

28a
24b

PUT FILE

Dear Mrs James,

We have had a word ~~I have read with~~ about your letter of the 8th Dec. to Mr North about a passage in Berne tel. No. 5334 saying of the 26th Nov. concerning proposed exports of coal from France to Switzerland.

As I understand the position, the U.K. is the only exporting to France a comparatively small quantity of coal of very inferior grades so that it cd.

Lastly,

hardly be said that we were seriously depriving ourselves. Nor does there seem to be any prospect of U.K. coal production reaching in the near future a level at which the export of good quality coal will become possible. In the circumstances I feel that no action on the part of H.M.G. is called for and that we must leave it to the French to decide where the balance of advantage lies in regard to the export of scarce commodity against in exchange for the import of steel. I understand that you agree.

(judging by the figures of coal production published periodically,)

I am copying this letter to ~~Godfrey~~ Mr North and Mr Godfrey.

Yours sincerely,

H.J. Bidwell 29/IV

NOTHING TO BE WRITTEN IN THIS MARGIN.

FOREIGN OFFICE, S.W.1.

OUT FILE

29th December, 1945.

(Z 13541/103/17)

Dear Mrs. James,

We have had a word about your letter of the 8th December to Mr. North about a passage in Berne telegram No. 534 Saving of the 26th November concerning proposed exports of coal from France to Switzerland.

As I understand the position, the United Kingdom is only exporting to France a comparatively small quantity of coal of very inferior grades so that it could hardly be said that we were seriously depriving ourselves. Nor, judging by the figures of coal production published periodically, does there seem to be any prospect of United Kingdom coal production reaching in the near future a level at which the export of good quality coal will become possible.

In the circumstances I feel that no action on the part of His Majesty's Government is called for and that we must leave it to the French to decide where the balance of advantage lies in regard to the export of one scarce commodity in exchange for the import of others. I understand that you agree.

I am copying this letter to Mr. North and Mr. Godfrey.

Yours sincerely,

Sgd.

(F.L. Simpson)

Mrs. P.A.H. James,
Board of Trade.

501

1945

Z

713560

249

Registry Number } Z13560/103/17

FROM Mr. Turner Norfolk House to Mr. Warner.

No.

Dated 11th Dec. 1945.

Received in Registry 13th Dec. 1945.

Coal allocations from the Ruhr.

States that matter has been discussed with Saal in Berlin, who is investigating the question of increasing rail shipments.

Last Paper.

213529

References.

UR 4512/3244/851

(Print.)

(How disposed of.)

(Minutes.)

The meeting referred to in the last para. took place yesterday. I was unable to attend the concluding (afternoon session) but I understand from Mr Warner that the French went away satisfied.

No further action seems necessary on this.

H.D. 22/12

Supply & Relief Dept.

Have you had a copy of the record of the meeting? I presume you will be sending copies to Paris.

Warner Dec 28

see Z347/65/17

H.D. 12/1/46

(Action completed.) 25/1/46.

(Index.) 10/1/46 HDS

Next Paper.

Z 13626

250

CONTROL OFFICE FOR GERMANY AND AUSTRIA,
Norfolk House,
St.James's Square, S. W. 1.

713560

11th December, 1945.

UR 4512/324/851

Dear Warner

Thank you for your letter of the 6th December. A good deal of water has flowed under the bridge since this was written. We have telegraphed to Berlin, as you know, asking for increased coal supplies for France and have received a reply, ARGUS 234, stating the action which the Control Commission intends to take. Since this telegram was received I have had a discussion about it with Seal who is in Berlin, pointing out that no increase about the 62,500 throughout rail allocation for France for December is very disappointing. He has told me that the reason for this is that actual rail shipments will fall short of rail allocations and that 62,500 for France cannot be achieved without cutting down rail shipments to other destinations. I have asked him to look into this again and let me know -

(a) what reductions to other destinations are actually entailed, and

(b) what result it would have on other countries if rail allocations were increased to 100,000 tons.

As regards the additional shipments referred to in paragraph 11 of the cable, the extra wagons which the North German coal control have asked for should be sufficient to ship an extra 100,000 tons to France between the 12th and 31st December. Seal, however, is very anxious not to commit himself to a figure in case anything goes wrong.

E.R.Warner Esq.,
Foreign Office.

I have asked C.O.S.A to send a copy to D^r Eastern Dept. /As Dec 12

As regards your question on French Liaison Officers and the use which is being made of Rhine barges for taking Ruhr coal to Antwerp, I hope you will agree that we had better postpone discussions on this point until our people arrive here for the meeting with the French in London. Seal told me on the telephone this morning that Sergent, who is head of the French Economic Division, does not think that this can take place until about the 21st December. In the meantime I am sending to Seal a copy of your letter and enclosure of the 6th December and also a copy of a letter addressed to your Secretary of State by M. Massigli, of which a copy was sent to us.

Yours sincerely,

Maurice Hankey.

502

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Z

1945

Z 13626

14 DEC 1945

Registry Number: Z 13626/103/17

TELEGRAM FROM
Mr. Holman, Paris.

No. 595 Saving

Dated 9th Dec. 1945.

Received in Registry 14th Dec. 1945.

Fortnightly Economic Report No. 12.

Transmits economic report No. 12 covering coal, petroleum, electricity, general industrial situation, transport and food.

Last Paper.
213560.

References.

(Minutes.)

Repeated Brussels, The Hague and Washington (all saving).

Now see later report xxx

Z 14005.

H.S.
7/1/46

(Print.)

(How disposed of.)

8) Miss Ackroyd
Mr. Keenlyside
Mr. O'Neil
Mr. Harrison.
Mr. Enfield.
Miss Smith
Secretariat CCS.
W.O.
Miss Porter Dec 17.

R[illegible]. 393 Saving. from Brussels
Paris 2943 Saving.
The Hague 1925 Saving
Washington 14855 Saving.
Dec 18.

(Action completed.)

(Index.)

24/6/46

Next Paper.

Z 13903

253

REGISTRY No. Z 13626/10/17

REPETITION OF TELEGRAMS.

(Date) .....

(Despatched) .....M.

(1) CYPHER ROOM,
FOREIGN OFFICE.

Please repeat to the posts shown below telegram No. 393 Saving

from ~~to~~ Brussels dated Dec. 12th

H.M. Amb., Paris (No. 2993 Sav.)
" The Hague (No. 192 Sav.)
" Wilton (No. 1485 Sav.)

Dec. 18

(Signed) F. L. Simpson

(Dept.) Western

(Date) 18/12/45

(2) DIVISION CONCERNED (FOR ARCHIVES).

Z 254

[EN CLAIR] SPECIAL (ECONOMIC, SUPPLY & RELIEF)

FROM PARIS TO FOREIGN OFFICE

Z 13626

14 DEC 1945

Mr. Holman.
No. 595 SAVING. D: 2.30 p.m. 13th December, 1945.
9th December, 1945.

Repeated to His Majesty's Consular Officers in France, No. 79 Circular Saving.

@@@ @@@ @@@

COMPLY

Fortnightly Economic Report No. 12.

GENERAL

1. The change in Government has led to the appointment of several Communist Ministers to departments concerned with economic affairs, namely:- National Economy, Industrial Production and Labour. It is not yet clear what the position of Billoux at National Economy will be vis à vis Pleven, the Minister of Finance.

2. Its general declaration of policy committed the Government to the early nationalisation of credit and of electrical energy. Proposals respecting credit, referred to in paragraph 31 have already been placed before the Assembly and rushed through at high speed. The declaration also promised control of various branches of insurance.

COAL

3. Output in the week ending 17th November (six days) reached 873,268 tons or 92% of the 1938 figure.

4. The Government continue in a state of anxiety regarding deliveries. Bidault, Thorez and Massigli have all spoken earnestly to me about it, and Paul, after an announcement in which he hinted that the non-arrival of Ruhr coal was due to British inefficiency and was associated with British and American views on the control of Germany, planned suddenly to go to London. This visit was put off, however, and it is understood that the General took up the matter himself. There is every hope that vigorous handling of the situation in London will lead to improvement, and there already are signs of a better atmosphere, even in the French press. There is some reason to think that the French Government have thought of using the situation to get their own representatives into the Ruhr and take a share of its administration.

PITWOOD

5. The Expert Commission has now arrived in France and is at work.

PETROLEUM

6. The petroleum import programme for the last four months of 1945 has been held up by lack of shipping; and although the

/U.M.A.

U.M.A. Tanker Control was abolished as from 1st November, only a limited number of tankers are available for free charter before January loadings.

7. The following table sets out the position of main grades since the 1st September when supply responsibility passed from Allied Military Authorities to French Civilian Control.

Figures in thousand tons.

(1) Grade.	(2) Programme Sept-Dec.	(3) Bought.	(4) Delivered	(5) Ships chartered	(6) Remain to charter	(7) Remain to buy & ship.	(8) Total to load.
Crude.	635	638	262	187	189	-	189.0
Commercial Petrol	369.1	295.4	85.3	65	145.1	73.7	218.8
80 Oct. "	119	127	81.6	-	45.4	-	45.4
Aviation "	51	60.8	19.2	-	41.6	-	41.6
Straightrun "	20	19.8	2	-	17.8	-	17.8
Kerosene	37.3	20.9	20.4	-	-	16.4	16.4
Gas Oil	294.3	161.	93.3	4	63.7	133.3	197.0
Fuel Oil	354.7	193.	107	-	86	161.	247.
	1883.4	1515.9	670.8	256	588.6	384.4	973.0

8. In view of the delay in obtaining shipping of products already purchased, it is now impossible to import the full back-log owing to the limited storage capacity, even if ships can be chartered. It is estimated that 500,000 tons can be imported during December.

9. In general it appears that the future is more promising, although storage facilities do not permit an adequate working margin. This position will be eased if the French are able to lease storage in Antwerp, which may be possible if the British Army release tankage as expected in January.

10. The following quantities have been offered from British sources to the French for December loading:-

Commercial Petrol	59,000 tons.
Kerosene	10,000
Gas Oil	30,000
Fuel Oil	70,000

also some quantities of aviation fuel and distillation benzine. These quantities represent a fair share of the French market valued at approximately £800,000 f.o.b. (£1,250,000 c.i.f.).

ELECTRICITY

11. Electricity supply continues to be a source of grave concern due to the low level of water in the hydro-electric dams of southern and south-eastern France, owing to the worst drought in 150 years. Reserves of water in the dams are almost completely exhausted, and it has been necessary to increase supplies of coal to thermal stations to make up the deficit. In view of the grave shortage of coal the Minister of Industrial Production proposes to apply very severe restrictions on the consumption of electricity

/in

in Paris, at any rate for a limited period. These include the cutting of supplies during day-light hours (with the exception of an hour during the middle of the day), shortening the hours of operation of the Métro and restrictions on shop lighting.

GENERAL INDUSTRIAL SITUATION

12. This continues to be dominated by the shortage of coal and electric power. The production of iron and steel in October increased over the September figure, but supplies of coal and of coke during November have been considerably short of requirements, and it seems improbable that the programme which envisaged the refiring of a number of blast furnaces in December will be carried out. Output of pig-iron in October was 151,000 tons (about 30% of the 1938 level), of steel 205,000 tons (about 40% of the 1938 level), and of semi-finished 161,000 tons (about 56% of the 1938 level). Output of iron ore continues to rise and reached 980,000 tons in October.

13. The difficulties of the iron and steel industry are causing much concern to the engineering trades, which only slightly improved their output in October. Shortage of coal and electric power are also of course handicapping the industry and there is grave anxiety that there may be stoppages through the exhaustion of existing stocks and the non-arrival of adequate supplies of steel. There is also concern over the cessation of orders for war requirements.

14. In the chemical industry, output of explosives is now almost at pre-war levels, and the production of super-phosphates during October more than doubled by comparison with September - to 45,000 tons (about 40% of the 1938 level). Production of nitrous fertilizers declined owing to the lack of coal; output of sodium-carbonate is about stationary at 4,000 tons for the same reason; while requirements for glass making and the like have expanded. Wagon allocations continue to be insufficient for the requirements of the industry despite the increased allocation. Rubber production during October increased by 400 tons, as compared with September, to 2170 tons (about 60% of the 1938 level).

15. In the textile industries the raw material situation is satisfactory, but the industry continues to suffer from lack of coal, shortages of electric supply, shortages of skilled labour, and the age of the existing machinery. Some improvement is noticeable, however, in the artificial silk section, where production in October reached 1,363 tons of rayon as against 679 in July, and 419 tons of high tenacity rayon yarn for tyres. On the other hand, fibrane output has been reduced from 1,105 tons in July to 680 tons in October owing to the high consumption of coal used in its production.

16. The leather industry shows an important improvement with a considerable jump in output of tanned leather during September. Output of shoes in September was slightly over 50% of the 1938 level for men's shoes and children's shoes and about 35% for women's shoes.

TRANSPORT

17. During the week ended 9th November wagon loadings amounted

/to

to 218,357, of which 166,492 were exclusively commercial traffic. The number of loaded wagons entering France amounted to 11,019. The figure of wagon loadings is noteworthy: this is the first time since the Liberation that wagon loadings have exceeded the 1943 figures, whilst the present wagon park is considerably below the level of 2 years ago. Unfortunately, in the following week, ending 16th November, loadings fell again to 212,839 wagons, of which 161,778 were engaged on exclusively commercial traffic.

18. The first Trans-Atlantic boat-train left Paris for Le Havre on 27th November, in connexion with the departure of the "Croix" for New York. It is also reported that the first barge bringing Ruhr coal arrived in Strasbourg on 24th November.

CLOTHING AND FOOTWEAR

19. It has been announced that 13,000,000 textile points are to be distributed in the Paris area during the month of December. The programme of manufacture in clothing for November is:- men's and boys' coats, 20,500; men's suits, 105,000; women's coats, 25,000; women's dresses and suits, 120,000; cotton dresses, 40,000; work-clothing 300,000; blouses, aprons, etc., 250,000; men's underwear, 600,000 articles; women's underwear, 350,000 articles; layettes, 650,000 articles. The last figure represents about 65% of the average output of 1938. At the same time, allocations of leather for boot and shoe repairs have been considerably increased by comparison with preceding periods and should permit during the last quarter of this year the repair of some 9,000,000 shoes. Priority in repairs is apparently to be given to children's shoes. It is announced at the same time that the manufacture of wooden-soled shoes will have to continue until 1947. Children of under 15 will be entitled during next year to two articles of footwear, a pair of shoes and a pair of clogs. The total of men's footwear available will be 12,900,000 pairs, including clogs; for women 13,775,000, including wooden-soled shoes.

TYRES

20. There are new instructions on the distribution of tyres for which priority is to be given, as regards satisfaction of their requirements, to newly manufactured cars, military requirements coming second and other civilian requirements third. For November, the quantitative allocations are 445 tons for newly constructed vehicles, 340 tons for military requirements and 915 tons for civilian requirements.

HOUSING

21. 2,000 huts were erected for the housing of victims of war damage and handed over to the month of October, and supplies are now arriving from Canada and Germany. Output of building materials, however, remains well below the 1938 levels, cement and refactory products being about one-half, bricks and tiles about one-third.

PROGRESS OF THE NATIONAL IMPORT PROGRAMME

22. Maritime imports of general cargo, excluding coal and pol recovered somewhat from the fall in September, but at 669,718 tons were still below the August peak of 740,836 tons. Maritime

/imports

imports of coal rose, however, from 456,841 tons in September to 583,839 tons in October. Imports of pol also rose from 179,001 tons in September to 234,072 tons in October. Total maritime imports up to the end of October, including coal and pol, amounted to 3,679,876 tons. The chief limiting factor on imports continues to be internal transport facilities, and notably the wagon shortage.

FOOD

23. The change of Government has resulted in the closing of the Ministers du Ravitaillement as a separate entity with its own Minister and its amalgamation with the Ministere de l'Agriculture under the control of M. Tanguy-Prigent, who was Minister of Agriculture in the late Government and has been re-appointed. This is a return to the old policy under which one Ministry was responsible for Agriculture and Food.

24. A change in policy concerning meat and bread may result. M. Pineau's policy was to remove bread from the list of rationed articles and to curtail pig production, which depends on an adequate supply of feeding stuffs. In this he was opposed by M. Tanguy-Prigent, who considered that it was better to keep bread rationed and to provide more feeding stuffs for pig producers so that the meat ration might be maintained and possibly increased; pig production providing the quickest method of accomplishing this.

25. The food position generally is fairly satisfactory and it has been found possible for the month of December to increase some rations slightly, for certain categories.

26. (Bread). It is still not possible to give any reliable figures as to the increase of bread consumption since its removal from the list of rationed commodities. Undoubtedly in areas inhabited by workers there has been an increase (potatoes are in short supply and there has been a fall in temperature which causes more bread to be eaten in soup, a staple form of food for the average French worker, particularly in cold weather). There is also more waste of bread than formerly; unfinished loaves are used for feeding poultry and pigs in contravention of Government orders. Bread tickets have been printed in case it should be decided to put bread back on to the ration list.

27. (Meat). It has been possible to maintain the November ration for December. The arrivals at La Villette (Paris) have been consistently high and this has enabled the supplementary 50 gms. per week (conditional on local supplies) of either butcher's meat or pork butchery to be distributed. The weather has been such that producers have been able to keep their beasts in the open instead of having to fall back on the very limited supplies of winter feed; but it is feared that, with colder weather, large numbers of cattle will have to be put on the market at earlier dates than would normally be the case, owing to the shortage of winter feed.

28. (Potatoes (Ware)). During October only 10,000 tons of potatoes arrived in Paris, whereas under the "exchange system" alone 40,000 tons were required. There is anxiety because the 300,000 tons purchased in the United States have not yet begun to arrive.

/29.

29. (Potatoes (Seed)). The arrangements for the import of seed potatoes from Denmark are progressing satisfactorily; 5 trains totalling approximately 3,500 tons in all have arrived at Tourcoing or are on the way. There has been delay because the potatoes have to be loaded at so many points, which holds up the marshalling of the full train. It had been hoped to despatch a train daily, but this has been found to be impossible.

30. (Argols). Arrangements are now well in hand for signing contracts as between the French, United States and United Kingdom for the total French argol production for 1946.

FINANCE

31. The Assembly has parsed at top speed the Government's proposals for the nationalisation of the banks and the control of credit. Briefly the proposals are that the Bank of France should be taken over by the State, which should also take over the four big Deposit Banks (the Crédit Lyonnais, Société Générale, Comptoir d'Escompte, Banque Nationale pour le Commerce et l'Industrie). Bank of France shareholders will receive nominative, negotiable 50 year 2% Bonds in place of their shares and the shareholders of four big nationalised deposit banks will have their shares exchanged into participation share certificates which will be bought in by the State over a period of years at the rate of 1/50th of the outstanding certificates each year commencing 1st January, 1947. Shareholders will have no power of control over the operations of the nationalised banks.

Apart from the nationalised banks, all banks in France are to be listed into one of the following categories:

1. Deposit Bank
2. Commercial Bank
3. Bank granting long and medium term credit.

Banks have three months from the date of the promulgation of the law in which to choose the category to which they desire to adhere.

A Control Commission of Banks is instituted, with the Governor of the Banque de France as President, under a higher control commission to be known as the Council of National Credit. This will be presided over by a Minister appointed by the Government, with the Governor of the Banque de France as Vice President. The Governor of the Banque de France will thus be the executive chief of both Control Commissions.

Within the framework of the Council of National Credit four Committees are to be instituted to be known as the Deposits Committee, the Committee of Short Term Credit, the Committee of Long and Medium Term Credit, and the Committee of Foreign Commerce.

Foreign banks in France will be subject to the same control as French banks.

COST OF LIVING

32. Recently published figures of the cost of living up to the month of May, show that, on the basis of 1938 - 100, food products reached 352; that this figure was not higher was due very largely

/to

to the fact that cereals, owing to subsidies, had not increased to more than 235. Industrial raw materials, on the same basis, stood at 362, although textiles reached 507, rubber 499 and paper 671. The figure for semi-finished goods was 392. These figures represent a rise of 50% in the cost of semi-finished products, 60% in raw materials and slightly over 20% for food products by comparison with March of this year.

FRENCH EXPORTS

33. M. Pleven, Minister of Finance, recently asked what could be done to increase United Kingdom imports of French products, including luxury products. This matter is being gone into in London on the basis of a list of products which the French would like to furnish. At the same time we are trying to buy wine, steel scrap, iron ore, rosin, veneers and other products of a sterling value which should be of great interest to the Minister; but it is found in practice that all sorts of difficulties are made by the suppliers and of course the present value of the franc is a serious impediment. Devaluation is very much in the air and there is a general expectation that it will take place before 31st December.

TRADE AGREEMENTS

34. A commercial and financial agreement was signed with Switzerland on 16th November, under which France supplies coal to Switzerland, partly in return for the use of certain Rhine barges, partly in return for electric power and partly for timber for use in the Saar mines; she is also to supply a quantity of 25,000 tons a month without compensation. In addition, France will supply seeds, phosphates and fertilisers generally, an important quantity of steel products and very considerably quantities of wine - well above the pre-war Swiss purchases. In return, Switzerland will supply horses, machinery and instruments useful for French reconstruction. It is understood that the Swiss also attempted to press the French to take large quantities of non-essentials. The French were unable to resist entirely the Swiss request, but succeeded in reducing the quantities to more or less token figures, with the exception of a quantity of watches. The Commercial Agreement was accompanied by a Financial Agreement regarding the de-blocking of French holdings in Switzerland; and provision was made for the enlargement of the credit of 250,000,000 Swiss Francs granted earlier this year to 300,000,000 if the French would agree to take further non-essentials from Switzerland.

35. There is talk of a commercial agreement with Russia, and M. Alphand, Director of Economic Affairs at the Ministry of Foreign Affairs, has left for Moscow to open discussions. The hope is expressed in some quarters that France may be able to develop as a centre for the marketing of furs from Russia.

COLLABORATION

36. Much interest has been roused by the reported discovery in N. Germany of a number of documents belonging to the German Embassy and German Services in France which should throw a good deal of light on German economic activities in this country, and, in particular, on the purchases made here.

[Copies sent to Middle East Secretariat.]

503

Z

Z 13903

28 DEC 1945

261

Registry Number Z 13903/103/17.

FROM Parliamentary Question Sir Ralph Glynn.

No.

Dated 17th December, 1945.

Received in Registry 28th December, 1945.

Sugar shipments to France.

Sir R. Glynn:- asked the Minister of Food whether the shipment of sugar to France could cease, and the ration in this country be increased.

Sir Ben Smith:- said that the shipments did not affect the supplies available for the United Kingdom.

Last Paper.

Z 13626

References.

(Print.)

(How disposed of.)

9] Paris no. 37 Jan 7

(Minutes.)

Copy Paris

Ack 5/1

(Action completed.)

7/1/46

(Index.)

25/6/48

Next Paper.

Z13928

WESTERN

under 262

U

Parliamentary Question

55. Sir Ralph Glyn,—To ask the Minister of Food, whether, in view of the fact that a proportion of the sugar sent from this country to France is used by the French Government for the manufacture of liqueurs which are then exported to the United Kingdom and in view of the small ration of sugar received by the people in this country, steps can be taken, in conjunction with the Board of Trade, to reduce the amount of sugar exported to France and, as soon as possible, to increase the sugar ration here proportionately. [*Thursday* 13*th December*.]

ANSWERED 17 DEC 1945
REPLY ATTACHED.

NOT FOR ORAL ANSWER

Z 13903

Library. pl. attach reply

12/12

1088/9

SUGAR SHIPMENTS (FRANCE)

Sir R. Glyn asked the Minister of Food whether, in view of the fact that a proportion of the sugar sent from this country to France is used by the French Government for the manufacture of liqueurs which are then exported to the United Kingdom and in view of the small ration of sugar received by the people in this country, steps can be taken, in conjunction with the Board of Trade, to reduce the amount of sugar exported to France and, as soon as possible, to increase the sugar ration here proportionately.

Sir B. Smith: I would refer the hon. Member to the reply given to my hon. Friend the Member for West Derbyshire (Mr. C. White) on 31st October, 1945, in which I made it quite clear that shipments of sugar from this country to France are repaid in full out of the allocations made to France by the combined Food Board. Consequently, they do not reduce in any way the supplies available for this country.

17 DEC 1945

No 505

Z

1945

264

Z 13996

22 DEC 1945

Registry Number } Z13996/103/17

FROM Mr. Addis. Prime Minister's Dept. to Mr. Giles.

No.

Dated 22nd Dec. 1945.

Received in Registry } 28th Dec. 1945.

Request for supply of wheat to France.

W.S.

Attaches for action note of 22nd December from M. Massigli to Mr. Attlee, explaining the shortage of wheat in France, and requesting supplies from Britain.

Last Paper.

Z 13928
UR 4771

References.

UR 4855

(Print.)

(How disposed of.)

Copied to Mr Broadley (M/F) Dec 24

Rpt) To Amb: from Sec of S tel)
8) Mr Harrison M/F. Dec 18.

(Action completed.)

(Index.)

Next Paper.

Z 14005
C 2608 (M/17).

(Minutes.)

Copy sent to Mr Broadley on Dec 24th

See in this connexion UR 4854. I have asked Harrison for urgent comments. It does not look, however, as though there was a hope of the French getting this, but it will require careful handling. Await result of meeting in UR 4854.

C. J. Crowe.
27/xii

1) M. Massigli French Embassy to Mr. Noel-Baker. 22 Dec.

Mr Crowe has reminded Mr Harrison (Min. of Food) about this but suggests it might be worth while talking to the Min. at a higher level. In view of the Min's preoccupation they may adopt a somewhat cavalier attitude & with the world wheat crisis / Mr Crowe suggests we might point out that while we realize it may in the circs. be impossible to meet this French /

French request it is essential to do all we can to help the French and give them a full & sympathetic reply.

Would Mr Harvey be willing to speak to Mr Bradley at the Min. of Food?

H J Simpson 7/1/46

(2) See now Mr. Harrison's letter to Sir Nigel Ronald of January 8th within, giving the Ministry of Food's suggestions as to the lines on which we might reply to the French.

I have discussed the French request with Mr. Crowe, and we have gone into all the figures available ~~to Mr. Crowe~~, in order to satisfy ourselves that the Ministry are right in saying that we cannot let the French have any wheat at all. There is no escaping the conclusion that they are right. The position in a nutshell is that quite apart from any new cuts which we may have to accept, our own stocks of wheat are in any case due to decline over the next six months, to a point where they will be well below what has usually been regarded as the minimum safety point. The Minister of Food's telegram from Washington to the Prime Minister No. 6483 Amaze ~~of~~ January 9th shews that we will, in fact, be likely to have to accept a cut of about 300,000 tons, and will only be able to maintain our standard of bread distribution by an increase in the rate of extraction. If we were to give the French even 100,000 tons, we could only do so at the expense of ~~cutting our stocks still further~~ ~~or~~ introducing a fairly rigorous system of bread rationing.

Copy attached

In the 14th paragraph of this same telegram, the Minister of Food said that Walthough the French will have a very difficult

/period

Nothing to be Written in this Margin.

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copy attached

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/period

Nothing to be Written in this Margin.

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Nothing to be Written in this Margin.

period during January and February, I am satisfied that the over-all allocation proposed for France will prevent starvation if the French are able to mobilize their supplies effectively." This opinion is ~~confirmed~~ supported by the figures given in the penultimate paragraph of the letter from Mr. Knowles of the Embassy in Paris to Mr. Jones Parry of the Ministry of Food, a copy of which I have also enclosed within.

I have discussed with Mr. Harrison how best to present our refusal to the French, because the suggestion in Mr. Harrison's letter seemed to me to be altogether too blunt. We agreed that the best thing would be for the Secretary of State to send to the French Ambassador a sort of interim reply in which he would remind him that Sir Ben Smith was in Washington discussing the whole wheat situation, would tell him that the French request had been telegraphed to Sir Ben Smith, and while discouraging any hopes that we might be able to accede to the request, would suggest that the position be reviewed in about a week's time when Sir Ben Smith had finished his talks. When the talks have, in fact, been completed, and the new cuts been imposed, we will be in a better position to explain to the French why we cannot let them have what they ask. We should by then have accepted a large cut in our allocation, and with any luck will have been forced to raise our extraction rate. (At the present we use an extraction rate of 80%; by raising it 5 or 10 points we will not only produce more wholesome bread, but will save several thousand tons of wheat per year, and meet one of the major grievances which countries like France have against us.)

This explanation had best be done orally by officials of the Ministry of Food

I attach a draft letter to the French Ambassador, sent off,

A. L. Rumbold

11th January, 1946.

Sir Eastwood. S.A. 8/2

W. Rondel

Immediate

UR 4841

267

10 Downing Street,
Whitehall.

22nd December, 1945.

rec'd 23.XII 45

Dear Giles,

I have sent a third person acknowledge to the attached note from the French Ambassador about the supply of wheat in France. I suggest that it should be dealt with departmentally in the normal way. I have not shown it to the Prime Minister.

Yours ever,

John Adams

F.T.R. Giles, Esq.,
Foreign Office.

? 13096

28 DEC 1945

268

Entered very soon

AMBASSADE DE FRANCE
A LONDRES

25 DEC 1945

Londres, le 22 décembre 1945

Monsieur le Premier Ministre,

D'ordre de mon Gouvernement, j'ai l'honneur d'attirer votre attention sur l'état très critique dans lequel, en raison notamment de l'insuffisance d'arrivages d'Amérique du Nord, se trouvent les approvisionnements en blé de la France.

La carte de pain va être rétablie et, même avec une ration réduite, le Gouvernement aura les plus sérieuses difficultés à maintenir le stock de sécurité indispensable de 5 millions de quintaux, qui représente un mois de consommation rationnée. La situation sera extrêmement sérieuse pendant le mois de Janvier. D'une manière générale, elle le demeurera au cours de tout le premier trimestre, c'est-à-dire tant que ne sera pas rétabli le rythme des exportations en provenance des Etats-Unis et du Canada et tant que ne parviendront pas les blés argentins.

J'ai à peine besoin de souligner combien il serait grave d'imposer de nouvelles privations alimentaires à une population déjà insuffisamment nourrie et pour laquelle, faute de charbon en quantité suffisante, l'hiver s'annonce très rude.

The Right Hon. Clement ATTLEE, M.P.
Prime Minister
Foreign Office

Dans cette situation, le Gouvernement français demande au Gouvernement britannique de lui prêter son aide amicale pour surmonter la crise immédiate. Toute quantité de blé, ou même de préférence de farine, que le Gouvernement britannique estimerait possible de céder à la France, soit à titre définitif, soit à titre d'avance, serait d'un concours inappréciable. Le Gouvernement français souhaiterait que ce concours pût atteindre au moins 300.000 tonnes au cours du premier trimestre, dont 100.000 dès le début de Janvier.

C'est la demande pressante que je vous adresse. Les jours comptent et je souhaiterais savoir aussitôt que possible si le Gouvernement britannique, dont nous n'ignorons pas les préoccupations en ce qui concerne les pays dont il a la responsabilité, peut répondre à notre appel.

Veuillez agréer, Monsieur le Président du Conseil, l'assurance de ma très haute considération.

L. Lebrun

1. Ack.
2. M Harker

270

AMBASSADE DE FRANCE
À LONDRES.

Pour advice please
We had better ask Broadley.
PJNB
27/12

Londres, le 22 décembre 1945

Personnelle

INDEXED

13996 103 R9 DL 1945 17

Mon cher Noël Baker,

Comme suite à notre conversation de tout à l'heure, voici la copie de la lettre que j'adresse au Premier Ministre.

Je n'ai pas besoin de vous dire combien je souhaiterais recevoir vos conseils sur les démarches que je peux avoir à entreprendre si cet appel, comme je l'espère, reçoit une réponse de principe favorable.

Bien à vous

Massigli.

M.I.
8/7/16
JSW

The Right Hon. Philip NOEL-BAKER, M.A., M.P.
Minister of State
Foreign Office

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Telegrams: Foodkeeper, London
Telephone: WELbeck 5500

In reply quote reference:

M.o.F. Ref. .....

Your Reference.....

MINISTRY OF FOOD
PORTMAN COURT
PORTMAN SQUARE
LONDON, W.1

8th January, 1946.

Dear Ronald,

You sent Broadley on 24th December a copy of a letter from M. Massigli to Mr. Attlee with regard to wheat for France. We suggest that a reply should be sent on the following lines:-

"We have given careful consideration to the request addressed to the Prime Minister by M. Massigli that France should be assisted by the provision of 300,000 tons of Wheat during the first three months of 1946, of which 100,000 tons is required early in January.

We note that the request has been made in view of the critical position with which France is faced in maintaining a working stock of wheat to meet the requirements of the bread ration. Unfortunately, however, the stock position of wheat in the United Kingdom is also critical and this is one of the reasons which has prompted the United Kingdom Minister of Food to visit Washington with a view to securing that every possible step is taken to ameliorate the difficult world wheat position.

While, therefore, we sympathise with the difficulties with which France is faced, we regret that we are not in a position to make any wheat available to France from stocks at the disposal of the British Ministry of Food."

Yours sincerely,

A.R.W. Harrison

A.R.W. Harrison.

Sir Nigel Ronald, C.M.G.,
Foreign Office,
S.W.1.

Keep with 213996

274

707/45
Ltr.No.41

British Embassy,
Paris.

9th January, 1946

Dear Mr. Jones Parry,

Bread

The Cereals people told me this morning that some agreement has now been reached with regard to bread, although as yet no official announcement has been made. You will see from today's press that the general discontent over the reintroduction of rationing and especially over the inadequacy of the ration of heavy workers, is still prevalent and that, during the last day or two, Trade Unions and workers meetings have been held up and down the country to voice their protests and demand a general increase in rations. The C.G.A. in particular has been urging the Government to increase the adult ration to 400 gms. Pending the Government's decision, workers in industrial areas have been coming out on token strikes.

Following an emergency inter-ministerial meeting on Friday last, January 4th, the Minister of Food broadcast a call to order and warned the public that indisciplinary action would not be tolerated. "The reintroduction of bread rationing", he said, "has given rise to strong feeling throughout the country. This feeling is unfortunately being exploited by disturbing elements who have succeeded, here and there, in stirring up unrest in certain centres. This cannot be tolerated, for the workers' food and public order are both at stake. The Government has reintroduced rationing and cut the adult ration because there was no other means, given the present stateof our stocks, of assuring the bread supplies of the country. These are the facts of the situation and indisciplinary action and unrest can only aggravate matters to the detriment of the workers and the whole country. Neither indiscipline nor unrest will be tolerated."

The Minister's threat, however, only poured oil on troubled waters and his speech was dubbed by some sections of the press as 'dictatorial'.

Over the weekend, things have become more critical, both with regard to meat and bread and emergency inter-ministerial meetings were held. By Monday evening, however, no solution had been reached and the official communiqué was disappointing. Yesterday, a further meeting was held and attended by Ministry of Food representatives, representatives of the C.G.A., C.G.T., C.F.T.C., the main political parties, the Union des Femmes Francaises and the Union representing large families. M. Tanguy-Prigent summarised the reasons for the Government's decision to reintroduce bread rationing and disclosed the hard facts concerning the country's wheat situation. He announced that after two months of ration-free bread, the wheat stocks had fallen from 900,000 to 450,000 tons. Reintroduction of rationing was, therefore, a matter of urgent necessity. It was hoped, however, to receive 170,000 tons of imports in January, which would enable the Ministry to re-establish the former T categories' ration of 50 gms a day. 7 million workers not included in the present T1 and T2 categories would benefit. At the same time, however, the Minister emphasised that the manufacture of flour confectionery would have to be discontinued, and the Army bread ration at present 550 gms a day would have to be cut to 450 gms a day.

In the course of a lively discussion which followed the C.G.A. representatives pressed for an increase in the adult ration to 400 gms a day at least during the winter months They also insisted that the system of échange* should be revised and that more encouragement should be given to producers by granting allocations of fertilisers and equipment to those who effect their deliveries in good time. The C.G.T. representatives supported the C.G.A. proposals and also pressed for an increase in the general ration. Monsieur Duclos, Communist , demanded that an immediate enquiry be made into the action of Monsieur Pineau in de-rationing bread on November 1st. Reverting to the question of the present ration, one of the Housewives delegates proposed a cut in the Army ration and an increase in the ration for large families.

At the end of this meeting, a further meeting was held, at which the following resolutions were passed by the Union delegates:

* i.e. the new scheme whereby farmers receive allocations of fertilisers etc. in proportion to their wheat deliveries.

J. Jones Parry, Esq.,
Ministry of Food.

1. That definite figures should be given once and for all regarding the country's wheat supplies;
2. That an enquiry should be instituted into the conditions in which bread was de-rationed on November 1st.
3. That the ordinary adult ration should be revised immediately, following an investigation into the stock position by a commission representing the Unions concerned;
4. That the manufacture of flour confectionery should be discontinued;
5. That the Army ration should be brought into line with the ordinary adult ration;
6. That there should be a cut in the German prisoner ration;
7. They also recommended (a) strong action against agitators (b) closer supervision of wheat deliveries off farms (c) tighter control on mills (d) on the general food administration, the adoption of the C.G.A. proposals for higher bonuses for food deliveries off farms and the setting up of departmental agricultural bodies to allocate bonuses and national offices for the allocation of fertilisers, equipment and fertilisers.

They also urged tight control of all essential industries, e.g.food, textiles, etc. and finally the reorganisation of the permanent food committees, along the lines suggested by the C.G.T. and C.F.T.C.

The upshot of yesterday's meetings was that provisional agreement has now been reached on the following points:

1. The adult bread ration will remain at its present level of 300 gms for the time being;
2. The manufacture of flour confectionery will be discontinued in the near future;
3. The workers category T will be reintroduced as from February 1st;
4. The Army ration is to be cut from 550 gms to 450 gms a day;
5. Supplementary ration cards are to be issued to large families as formerly but only from the fourth child onwards, instead of from the third child as hitherto.

Regarding the general supply position, I went into this in some detail yesterday with the Cereals people and the position from now till the end of July (as estimated by them) is set out in the attached table. You will see from this that the estimated stock in hand as at 1st January was only 450,000 tons and that, owing to the reintroduction of rationing, it is estimated that only 2 million tons of wheat will be realised from home production, as against 2,900,000 tons estimated in November. Add to this 1,100,000 tons of imports for the seven months (provisional figures received by the French from Washington this week) and the total availabilities to the end of July are 3,550,000 tons as against a requirement of 2,850,000 tons (French estimate based on a ration of 300 gms a day). The decisions reached at yesterday's meeting regarding supplementary rations for workers and large families will, of course, increase requirements to some extent, although the Cereals people are not yet able to give me the exact amount involved. On present figures, however, it would appear that, if the French receive the whole of their 1,100,000 tons of imports before the end of July and even allowing for a small increase in requirements, they will just be able to maintain the ordinary ration at its present level and still have a small carry over. Regarding the figure of 1,100,000 tons, I understand from the French that this is not yet firm and had been screened down from 1,300,000 tons as against their original demand of 1,850,000 tons. If you have any later figures, perhaps you would be good enough to let me have them as soon as possible.

Lastly, with regard to the figure of 650,000 tons which is shown on the attached table as the amount of imports delivered during the second semester 1945, this does not tally with the figures we have received from the Ministry of National Economy but I have taken the matter up with theCereals people and they are going to try and come to some agreement with National Economy as soon as possible and let me know the final, agreed figure.

Yours sincerely,

V. C. Knowles

Copies sent to Mr. Hoyer Millar, F.O.
Mr. J.W.Evans, Stats.

Wheat Position January, 1946

1945 Production — 4,315,000 tons (estimate 8.1.46)

Used on Farms:

Seed	916,800 tons
Loss in production	86,300
Echange	396,800
	1,399,900 tons

Estimated deliveries from now to the end of season	2,900,000 tons*	* Owing to the reintroduction of rationing only 2,000,000 tons approx. will be delivered.
Stock in hand at the end of season	450,000 tons	
	3,345,000 tons	

Requirements to the end of July are estimated as follows:

Bread making	320,000 tons	a	month.	Total	2,240,000 tons
Industries	30,000 "	"	"	"	210,000
Army requirements including German prisoners of war	20,000 "	"	"	"	140,000
Seed					10,000
End of season carry over					250,000
					2,850,000 tons

Stock in hand at the 1st January, approx	450,000 tons
Estimated deliveries, allowing of retention on farms of approx.	2,000,000 tons

1945 Allocation

1st semester	330,000 tons
1st August 1945 to the end of July 1946	2,500,000 tons

Up to the end of the year, the whole of the allocation for the first semester has been delivered, plus 650,000 tons out of the allocation from August, 1945 to July,1946, leaving a balance of 1,850,000 tons to be delivered during 1946. This requirement has, however, been cut down by the C.F.B. to 1,100,000 tons for Metropolitan France.

Total availabilities	3,550,000 tons
Total requirements on ration 300 gms	2,850,000 tons
Balance	700,000 tons
Total requirements on ration 350 gms	3,221,000 tons
Balance	329,000 tons

707/45 276

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Total requirements on ration 350 gms	3,221,000 tons
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NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z.13996/103/17

A.R.

Draft.

The French
Ambassador.

From:

Secretary of
State.

277 1/2

1 C please

X OUT FILE

THE FOREIGN OFFICE,

LONDON, S.W. 1.

17 January, 1946.

Careful consideration has been given to the request contained in your letter to the Prime Minister of the 22nd December, that in view of the critical position with which ~~France~~ the French Govt. is faced in maintaining a working stock of wheat to meet the French requirements of the bread ration, ~~this country~~ H.M.G. should ~~provide~~ furnish the French Govt. with 300,000 tons of wheat during the first four months of 1946, and that if possible, ~~provide~~ 100,000 tons of this amount should be ~~further~~ provided early in January. As you know, no doubt the United Kingdom Minister of Food is at present visiting Washington to discuss the ~~difficult~~ world wheat position ~~with United States officials to see what measures can be taken to meet the situation.~~

~~The~~ and the substance of your request was immediately telegraphed to ~~Sir Ben Smith,~~ him in order that he might take it fully into consideration during ~~the~~ his discussions with the U.S. Govt. Unfortunately, the stock position of wheat in the United Kingdom is also critical ~~as a result of the general shortage~~, and I regret that it will not be possible for HMG to return a definite answer to the French Government's ~~suggestion~~ request until after the Minister of Food has completed his

/discussions

Th. Cooke 14/1

Th. Hoares

Copy Th. Harrison, Min. of Food

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discussions in Washington. ~~While,~~ Meanwhile therefore, we sympathise with the difficulties with which France is faced, we are not in a position to return a favourable ~~answer to your request at this moment.~~

I can assure you that H.M.G. are fully ~~alive to~~ aware of the magnitude of the difficulties which face the French Govt. on this account.

GM

CS'li

NOTHING TO BE WRITTEN IN THIS MARGIN.

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OUT FILE

17th January, 1946.

No. Z. 13996/103/17.

Dear Massigli

Careful consideration has been given to the request contained in your letter to the Prime Minister of the 22nd December, that in view of the critical position with which the French Government is faced in maintaining a working stock of wheat to meet the requirements of the French bread ration, His Majesty's Government should furnish the French Government with 300,000 tons of wheat during the first four months of 1946, and that if possible, 100,000 tons of this amount should be provided early in January. As you no doubt know, the United Kingdom Minister of Food is at present visiting Washington to discuss the world wheat position, and the substance of your request was immediately telegraphed to him in order that he might take it fully into consideration during his discussions with the United States Government. Unfortunately the stock position of wheat in the United Kingdom is also critical, and I regret that it will not be possible for His Majesty's Government to return a definite answer to the French Government's request until after the Minister of Food has completed his discussions in Washington. Meanwhile I can assure you that His Majesty's Government are fully aware of the magnitude of the difficulties which face the French Government on this account.

Yours Sincerely

Sd Ernest Bevin

His Excellency
Monsieur René Massigli, K.B.E.,

506

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Z

1945

Z 14005

Registry Number Z 14005/103/17

TELEGRAM FROM
Mr. Duff Cooper, Paris.

No. 614 Saving.

Dated 22nd Dec. 1945

Received in Registry 31st Dec. 1945

Fortnightly Economic Report No 13.

Transmits economic report No. 12 covering coal, food and agriculture, electricty, industrial situation, transport, labour, and overseas trade.

Last Paper.

Z 13996

References.

(Print.)

(How disposed of.)

8) Miss Ackroyd
Mr. Keenlyside
Mr. O'Neil
Mr Harrison
Mr Enfield
Miss Smith
Secretariat C.C.G.
W.O.
Miss Porter. Dec 31 Jan.

D(T) Chancery Paris Jan 10

(Action completed.) R.J. 14/1/46

(Index.) 24/6/46 J.S.W.

Next Paper.

Z 13996

(Minutes.)

Repeated Brussels, the Hague, Wien, (various)

Copy to recipients of Z 13626 and submit to P.1. ~~Simpson~~ 7/1 will be latter page. A.G. 5/1

Supply & Relief Dept. Jan 14/1

[EN CLAIR]. SPECIAL (ECONOMIC, SUPPLY AND RELIEF).

FROM PARIS TO FOREIGN OFFICE.

Mr. Duff Cooper.
No. 614. SAVING. R. 10.00 p.m. December 29th, 1945.
December 22nd, 1945.
Repeated to Consular Posts in France No. 83 SAVING.

yyyyy

FORTNIGHTLY ECONOMIC REPORT No. 13.

Z 14005

COAL.

1. Output in the week ending 8th December (six days) reached 869,577 tons, a slight fall from the output in recent weeks.

2. There seems to have been an improvement in the imports into France from the Ruhr. Imports from Britain have been good and those from America are large. The situation in the Ruhr is now being examined in London; meanwhile there is nothing we can usefully contribute from here except that the atmosphere is definitely better and the stirring up of the whole question of deliveries of Ruhr coal to France has done good.

3. Deliveries of pitch for making ovoids and briquettes have fallen down with consequent injury to prospects for the winter. Cargoes are on the way from the United States and from Canada and every effort is being made to increase exports from the United Kingdom and the Ruhr.

PITWOOD.

4. Agreement has been arrived at regarding the export of pitwood from France to the United Kingdom.

FOOD AND AGRICULTURE.

5. The food position in December has shown a slight improvement and it is hoped to maintain the rations at the present level during the winter months.

6. (Meat) - The meat position in particular is still good, largely because, owing to shortage of winter feed, producers are disposing of their livestock at advantageous prices instead of keeping them on the farm. The abolition of consumer registration in November, however, has not been successful and registration is to be reintroduced as from January 1st.

7. Meat allocation for 1946 are still under discussion in Washington and particular difficulty has been encountered with regard to the distribution of Danish surpluses. It has been generally agreed, however that France will be allocated the following:-

From Denmark	-	40,000,000 lbs carcase weight equivalent.
" Argentine	-	10% of available supplies, i.e. 173,000,000 lbs.c.w.e.
" Canada	-	23,000,000 lbs. c.w.e.

United

United States - 204,000,000 lbs. c.w.e.

Most of this will take the form of canned meat and the French have, therefore, requested an increase in their carcase meat supplies from Canada at the expense of the United Kingdom, compensating the United Kingdom by an equivalent share of the French Argentine allocation. No decision regarding this proposal has yet been reached.

8. (Bread) - There has been much discussion recently as to whether or not bread will be put back on the ration. It has now been established that during the first month of derationing consumption has gone up on an average of 20% in the towns and 40 to 50% in the country districts. On the other hand, imports of wheat have not been arriving in sufficient quantities to meet the short fall in home production. It is, therefore, probable that Pineau's successor, Tanguy-Prigent, will put bread back on the list of rationed commodities on January 1st. Meanwhile a special appeal has been made to the Americans to speed up deliveries of wheat to France and the French have increased the estimate of their requirements to 204,000 tons a month for November and December and to 290,000 tons a month in 1946. When Pineau visited Washington early in the year, requirements for Metropolitan France were estimated at 150,000 tons a month.

9. (Wine) - Owing to difficulties of transport France has only been able to import 500,000 hectolitres of wine a month from Algeria instead of the 800,000 hectolitres required to maintain a distribution of 4 litres a head. It is hoped, however, to effect some improvement by the end of the year.

10. (Potatoes) - This year's potato crop has been disastrous and only 600,000 tons approximately will be available for distribution to non-producers, as against the earlier estimate of 1,000,000 tons. This means that there will only be five or six distributions of potatoes during the winter. Although 500,000 tons have been bought in America to cover the deficit between now and May, none have so far arrived. The serious potato shortage accounts in part for the abnormal increase in bread consumption

ELECTRICITY.

11. Supply is still short. Recent light falls of rain have not improved the situation and the colder weather, with frozen dams, make any great improvement unlikely before next Spring. Sweeping restrictions in the use of electrical power, have, therefore, been applied; domestic supply in Paris is cut off during certain hours of the day; and non-priority industrial undertakings are only allowed to work three days a week. Priority industries are:- sugar, milk, tobacco, gas, water, transport, refrigeration, warehouses, hospitals and clinics, printing presses, broadcasting, refuse-disposal, compressed gases, artificial fibres, explosives, iron and steel and blast furnaces. Prisons are also apparently regarded as "priority" industries. The cinematograph industry, dyeing and finishing, tanneries and spinning mills are to work for 6 weeks and then stand idle for a fortnight. Such industries as engineering, particularly all factories working for national defence, will be subject to restrictions.

12. The nationalisation of electricity is still under discussion. It will be remembered that General de Gaulle has twice promised that proposals will be put before the Assembly before the end of the year. No final text, however, has yet seen the light of day, and it is believed that this is due to disagreement on the final draft, of which there are reported to be three versions.

INDUSTRIAL SITUATION.

13. Industry is still conditioned by shortages of coal, despite larger allocations for December, by restrictions on electricity, which are particularly serious in engineering, and by lack of transport. There is however, a slight improvement in the number of wagons at the disposal of the chemical industry. Engineering is in a less satisfactory condition than most industries; lack of power, delay in the delivery of raw materials and other factors are causing stoppages.

14. There is little alteration in the general position of the chemical industries; but some improvement over October in regard to rubber and soap was recorded during November. The total output of paper and board in October reached 36,000 tons - the highest figure recorded since the Liberation, but no more than 35% of the average pre-war monthly production. The output of pulp in October was 14,000 tons, of which 8,200 tons was mechanical pulp and 5,800 chemical (42% and 59% respectively of the monthly average of 1938). Unfortunately, the immediate future is not promising owing to shortages of electric supply and still more to difficulties over the supply of pulp from Sweden through the unsatisfactory functioning of the Franco/Swedish commercial agreement.

15. It is noteworthy that production in the textile industry has improved sufficiently for the authorities to be considering the possibility of a reduction in prices, in view of the increased turnover and consequent reduced overhead charges per unit. Prices will nevertheless remain at very high levels - several times the United Kingdom figures. Spinning and weaving output in the northern mills shows considerable expansion in October by comparison with September, and woollen spinning reached over 68% of the 1938 level.

IMPORT PROGRAMME.

16. A new obstacle to the implementation of the imports programme is that the War Shipping Administration is reported to have given instructions, as a result of recent accidents to vessels, that Liberty ships are not to enter ports which provide less than 5 feet clearance below the keel. This means, in effect, that the already heavily charged railways will have to carry a heavier load.

TRANSPORT.

Wagon loadings during the week ended 7th December amounted to 201,739, of which 155,428 were exclusively on commercial account, as against the previous week's figures of 215,722 and 161,915 respectively.

18. The strain on the Newhaven-Dieppe passenger service is becoming excessive. The Southern Railway are trying to arrange a European service via Dover-Calais, with trains to Basle (from 7th January), to Venice and other cities. The military authorities have so far stood in the way, through their control over ports and ships; but there are prospects that this obstacle may be overcome.

19. American air services to France are developing steadily and a regular service between Washington and Paris is to come into operation before Christmas. The New York/Paris line was inaugurated on the 4th December. Air France is also active, and claims now to be carrying 18,000 passengers a month, and that these figures will be tripled by next June.

DISTRIBUTION.

20. There have been rumours of a change in the tobacco ration, and the Ministry of Finance have found it necessary to deny them. The price of tobacco and cigarettes has been increased to cover the cost of increased allowances to civil servants. Some improvement of the clothing situation can be deduced from the release of 30 textile points for adults, and from the suppression of the rationing of darning cotton. The manufacture of espadrilles has now re-started with the arrival of raw materials, and it is expected that about 28,000,000 pairs, which will sell at about frs. 100 will be manufactured in 1946.

OVERSEAS TRADE.

21. It is understood that the Franco/Swedish Trade Agreement, which was signed in June, has not worked satisfactorily owing to the inability of the French, despite subsidies, to produce the goods. At a recent meeting of the Mixed Commission set up under the Agreement it was agreed that France should transfer some 33 million Swedish kroner in gold to liquidate the debt outstanding to the Swedes. Hopes are expressed that French exports towards Sweden will now improve, and the Swedes will permit the delivery of further goods to France, to the value of 59 million kroner, up to 31st March 1946. This should permit the completion of three-quarters of the quotas fixed for twelve months under the Agreement of last June.

22. Negotiations with Russia are still progressing, but no information is available other than optimistic Press reports suggesting that the French may be able to obtain petroleum products, coal, timber and wheat from Russia. Transport, will present a difficulty.

23. It is reported that the French have obtained a credit of 550 million dollars repayable over 30 years at 2-3/8% interest from the Import and Export Bank, to pay for materials supplied under Lend-Lease after the end of the war in Europe, and also for purchase of reconstruction items not already ordered. A credit of 242 million dollars has also been granted by Canada.

24. Unofficial reports of French proposals in regard to the motor trade in 1946 indicate that they expect to export a number of private cars and lorries; roughly two cars in every three produced will be exported. Actual figures are: for the home market 15,000 private cars and 65,734 lorries; for export

27,550 private cars and 8,270 lorries. It remains in the long run to be seen whether they will be able to compete in the export markets.

25. Negotiations are reported to be continuing regarding the quota for United States films in France, but little progress appears to have been made although there is a report that the French negotiators have proposed a screen quota under which French films shall be shown for six weeks out of 15, leaving the remaining 7 for the showing of foreign films. The French are understood to have maintained their objections to granting the Americans the quota for which they asked, of 108 films per annum.

HOUSING.

26. Progress continues to be limited by the shortage of building materials, production of which is in general well below pre-war levels, whilst requirements represent many times the total 1938 production. Output of bricks in 1945 is expected to be 10% of 1938, of cement 44% of tiles 20% and of plaster 50%.

PETROLEUM.

27. The Directeur des Cerburants has confirmed that there is nothing in the various decrees constituting the Bureau de Recherches de Petrole which makes mention of the nationality of the persons or organisation who may apply for prospecting licences in French territories: no discrimination, in short.

LABOUR.

28. (Strikes) Following a long period of dissatisfaction and negotiation, the Cartel of Minor Government Employees, which includes the Postmen's, Railwaymen's, School Teachers' and other Federations, threatened to strike unless their demand for a provisional allowance of 1,000 frs. a month was granted by 11th December, 1945. The demand was not met by that date and a token strike, lasting one hour, took place on the next day. Employees of the railways (with the exception of essential personnel on trains) metro, omnibuses, Post Office, Public Services, Policemen and School Teachers were affected. The stoppage of work passed off without incident and later 50,000 strikers attended a meeting at the Vélodrome d'Hiver. The Government claim that the increased demand would cost 32 milliard francs (£160,000,000) a year and that, in view of the present unsettled condition, the country could not bear the extra financial burden.

29. The Government's latest offer, which is reported to cost 10 milliard francs, includes a residence indemnity varying according to the size of the town, the maintenance of a cost of living indemnity recently granted, also varying with the size of the town, and increased dependent's allowances. A claim for an increase in minor employees' pensions is to be examined later. This offer is being considered by the Cartel which has already objected to the date from which it is to operate (1st January, 1946, compared with 1st August, 1945 claimed by the Cartel). It will submit counter-proposals and is invoking the aid of the three main political parties which are said to support its claim. There is a general feeling that the dispute will soon be settled.

30. At a recent press interview the new (Communist) Minister of Labour expressed himself in favour of an early return to the pre-war system of collective bargaining between employers and workpeople in matters connected with wages and working conditions: the Minister would intervene in case of failure to agree. The present system of directed economy, he said, should prove no impediment to a return to a system of collective bargaining: rates of wages and the length of the working week, for instance, would have to be agreed according to the country's economic needs as explained by the Government.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z 14005/103/17

Draft.

Chancery,
Paris

10th Jan. 1946

2878 m

Dear Chancery,

Your tel. No. 614

Saving q. the ~~21st~~ 22nd Dec.

2. Unless you have some special reason for not doing so, wd you ~~please~~ in future please repeat (saving) your Fortnightly Economic Reports to Brussels, The Hague and W'ton as requested in the third para. q. our letter

q./

of the 31st Oct.? You do not seem to have been acting on that request.

Yours ever,

Western Depot.

HSD.

7/1/46

NOTHING TO BE WRITTEN IN THIS MARGIN.

S.W.1.
10th January, 1946.

(Z 14005/103/17)

Dear Chancery,

Your telegram No. 614 Saving of the 22nd December.

2. Unless you have some special reason for not doing so, would you in future please repeat (saving) your Fortnightly Economic Reports to Brussels, The Hague and Washington as requested in the third paragraph of our letter of the 31st October? You do not seem to have been acting on that request.

Yours ever,

WESTERN DEPARTMENT.

The Chancery,
British Embassy,
Paris.

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Z

1945

Z 14020

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Registry Number Z 14020/103/17

FROM M.Massigli, French Embassy.

No. 474

Dated 22nd Dec.1945

Received in Registry 31st Dec.1945

Coal supplies from the Ruhr.

Refers to Foreign Office letter of 18th December (Z 13422/103/17), concerning the meeting held on 21st December to discuss the delivery of coal from the Ruhr to France.

Last Paper.

Z 14005 (Z 13422)

(*Minutes.*)

AP 5/1

References.

(*Print.*)

(*How disposed of.*)

(Action completed.)	(Index.)
R 7/1/46	10/1/46 JDW

Next Paper.

Z 265/65/17/1946

291
Ends
29/12

Western Dept

AMBASSADE DE FRANCE
A LONDRES
3, Carlton Gardens, S.W.1.

474.

22 Décembre 1945

14020

Monsieur le Premier Ministre,

J'ai l'honneur d'accuser réception de votre lettre en date du 18 novembre (No.Z13422/103/17) par laquelle vous avez bien voulu m'indiquer qu'une réunion d'experts français et britanniques aurait lieu le 21 décembre, sous la présidence du Chancelier du Duché de Lancastre, en vue d'examiner la question des livraisons à la France des charbons de la Ruhr.

Mon gouvernement a été sensible à l'empressement mis par le gouvernement britannique à organiser cette réunion; elle vient d'avoir lieu. Je ne doute pas que l'échange de vues auquel il a été procédé dans un esprit de compréhension réciproque ne facilite la solution de ce difficile problème.

Veuillez agréer, Monsieur le Premier Ministre, les assurances de la très haute considération avec laquelle j'ai l'honneur d'être

Votre très humble et
très obéissant serviteur.

Massigli

The Right Hon. Clement Attlee M.P.
Prime Minister.

WESTERN

1945

F.O.
371

[redacted]

FRANCE

FILE No. 955

To pp. No. 3956

CLOSED
UNTIL
1972

49139

M

1945

Z

FRANCE

Z 255

2

Registry Number } Z 255/255/17

FROM Consul-General Parr, (Lyons)

No. 7

Dated 18th Dec. 1944.

Received in Registry } 6th Jan. 1945.

Z : France

Trial of Monsieur Poidebard for treason.

Transmits copy of Lyons despatch to Paris No. 10 of the 18th December, reporting the opening on the 14th December of the trial for treason of a man called Poidebard, or Bruchet, whose agency, founded with the object of checking fraudulent claims, was extended before and during the German occupation to cover political information about employees of subscribing firms.

Last Paper. 1944

Z 8731/3794/17

References.

(*Print.*)

(*How disposed of.*)

49139

(Action completed.)

27/1

(Index.)

10/2/46

Next Paper.

2328

(*Minutes.*)

F.O.R.D. 24/1/45

pm 9/1

3.

No. 7

2.

His Majesty's Consul-General at Lyons presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit herewith the undermentioned enclosure.

Z 255
1945

Lyons, December 18th., 1944.

Reference to previous correspondence: Nil.

Enclosure.

Copy of H.M.C.G.'s Desp. to H.M. Ambassador, Paris, No. 10 of December 18th., 1944.

Subject

Political ~~societies~~ Trials in Lyons:
"L'affaire Poisevaux."

No. 10

Lyons,

December 18th., 1944

Sir,

I have the honour to report that on December 11th. the local press published a statement issued by the Commissariat de la République regarding the discovery of an agency established at Lyons which had compiled an index of some one hundred thousand names of workmen employed in this neighbourhood.

2. A further statement issued three days later explained that the establishment had been founded in 1920 by one Poidebard, alias Bruchet, at the instance of the Syndicat des Teinturiers, with the object of checking fraudulent claims arising out of industrial accidents. Ten years later the manager was induced by the employers who subscribed to his agency to extend its range so as to include political information. During the occupation its services became available for the purposes of the Service du Travail Obligatoire.

3. Poidebard was also the Lyons agent of the Entente Internationale Anti-Marxiste.

4. On December 14th. the Parquet directed that an enquiry should be opened "contre X et tous autres", the charge being one of treason.

5. Some two hundred business houses of this district appear to be implicated, and amongst these are a number of well-known names.

6. A branch office of the enterprise has been discovered at St. Etienne.

/7.

To

The Right Honourable
A. Duff Cooper, D.S.O., M.P.,
Etc., Etc., Etc.

I am sending a copy of this Despatch direct to the Secretary of State.

I have the honour to be,

Sir,

Your Excelleney's

Obedient, humble Servant,

(Signed) ROBERT RARR

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6.

1945

Z

FRANCE

Z 328

9 JAN 1945

Registry Numbers Z 328/255/17

TELEGRAM FROM
Mr. Duff Cooper, Paris.

No. 15 Saving

Dated 7th Jan. 1945.

Received in Registry 9th Jan. 1945.

Z : France.

Arrests of collaborators: Lemaigre Dubreuil and Rigaud.

Refers to Mr. Holman's letter of 3rd July to Mr. Mack. (Z 4110/3660/17-1944).

Reports press announcement on 5th January of the arrest in Paris of Lemaigre Dubreuil and Rigaud, the latter carrying letters which indicated the former's presence in France, presumably to safeguard his financial interests. News of both arrests has been received with satisfaction in France.

Last Paper.

Z 255

References.

Z 4049/3660/17 : 1944
Z 4440/47/69 : 1944
Z 4967/5/69 : 1943
Z 4110/ /9 : 1944

(Print.)

(How disposed of.)

8/ Major Sir D. Mackenzie M.P. 10 Jan 9

(Minutes.)

We need shed no tears over this pair. But it will be interesting to see whether the Americans, having helped them once to escape from French justice (see Z 4110/G of 1944), will intervene again on their behalf.

N.A. Dept. A.P. 16/1.

R.L. Speaight 10/1

Their previous sympathies with Lemaigre Dubreuil cannot form a cor[rect] criticism of their H.S. forces, so I doubt if they [illegible] their fingers again

Holman
12.1

(Action completed.)

10/1

(Index.)

10/1/45 AB

Next Paper.

2525

27437 F.O.P.

7

[EN CLAIR]

Z 328

9 JAN 1945

GENERAL DISTRIBUTION

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper.
No.15 Saving
7th January, 1945.

D. by bag 7th January, 1945.
R. 5.10 p.m., 8th January, 1945.

X X X

Z4110/3660/17.

Mr. Holman's letter from Algiers to Mr. Mack No.19/145/4 of 3rd July.

On 5th January press announced arrest in Paris of both Lemaigre Dubreuil and Rigaud. I understand that Rigaud was in fact arrested two months ago in Perpignan and that he was carrying letters addressed to Lemaigre Dubreuil, which gave French authorities their first information that latter was in France. He had apparently come in as early as July. According to information from a good source his object was primarily, and perhaps solely, to save his financial interests.

2. Press greets arrests with general satisfaction. Lemaigre Dubreuil is treated as a typical example of the highly placed servants of the Trusts and of the turncoats who sought to save themselves by joining the Allies with Darlan.

3

8

1945

Z

FRANCE

Z. 525

11 JAN 1945

Registry Number } Z 525/255/17

FROM Mr. Duff Cooper
Paris

No. 11 (69/1/45)

Dated 4th Jan, 1945.

Received in Registry } 11th Jan, 1945.

Z: France

Trials for collaboration.

Refers to Paris telegram 339 Saving of 23rd November, 1944, (Z 7936/3794/17). Reports that recently the Courts of Justice in France have continued to try persons accused of collaboration offences which were against the laws of France before June, 1940. The Provincial Courts are considered more severe than the Paris Court, but no statistics are available. Discusses the sentences, which are mainly passed on minor personages, and comments on the continuation of lynch law.

Last Paper.

Z 328

References.

PRINTED (Print.) France Confidential 1/8/11 D Jan 11 Sect I

(How disposed of.)

8) in print
~~Jan 27~~ Sir Duff Cooper, No. 10
128 Mr. O'Scott, 17 Jan I
Feb 24

(Action completed.) 2/5

(Index.) 19/1/3/45

Next Paper.

(Z 652)

(Minutes.)

Ref + recent pps. in FORD. Copy of telegram attached.

Copy sent to { Maj. Morton / Mr O. Scott, M. of I.

Para. 5 – M. Béraud has been reprieved by Gen. de Gaulle and his Sentence commuted to one of hard labour for life (see Z 652).

H. Simpson 17/1

F.O.2. 30/iii/45

D.I. 20/1

Para. 5. Note the attempts to involve H.M. Embassy over Béraud.

The general impression is that the purge is now on the downgrade & that surprisingly few collaborators in high quarters have been brought to justice. There must be many who have managed to save themselves by reinsurance with

/ The

the Resistance. And one cannot help feeling that a certain number may have escaped by another method of bribery.

R.H. Speight 17/1

R.H.M. 17.1.

THIS DOCUMENT IS THE PROPERTY OF HIS BRITANNIC MAJESTY'S GOVERNMENT

ARCHIVES

[Z 525/255/17] Copy No. 8

Mr. Duff Cooper to Mr. Eden.—(Received 11th January.)

(No. 11.)

Sir, *Paris, 4th January*, 1945.

WITH reference to my Saving telegram No. 339 of the 23rd November, I have the honour to report that in recent weeks the courts of justice throughout France have continued to try persons accused of acts of collaboration which are offences against the laws of France as they stood on the 16th June, 1940. No official statistics on the activity of these courts have yet been published, and it is therefore not possible to form any estimate from the meagre reports in the Paris press of the total number of cases tried, or the proportion of the accused who have been convicted. It is clear, however, that there have been a large number of death sentences. On one day in November as many as seventeen were reported, and almost every day the Paris press briefly reports two or more death sentences in the provinces. It is the general impression that the provincial courts are more severe than the Paris Court and the number of commuted death sentences seems to confirm this. There have certainly been some savage sentences in the provinces. In one case (not reported in the Paris press) a whole family of five, including a small child, were condemned to death because one son had worked for the Gestapo. In the event only two of the five were executed.

2. Very few figures of national importance have been tried in the provinces, and, although there have been some trials of senior officials, it is clear that the great majority of the accused are small fry. There is no reason to suppose that they have not deserved the punishment they have received. For the most part, they are stated to have been guilty of active co-operation with the Gestapo, and especially of the denunciation of patriots. Of the high officials tried in the provinces, the most important are Angeli, ex-Regional Prefect of Lyons, whose conviction was quashed by the Lyons Court of Appeal, and whose re-trial will take place shortly; and Angelo Chiappe, brother of the notorious Prefect of Police, who was a viciously pro-German prefect under Vichy and who was recently condemned to death by the Court of Justice at Nîmes. In his speech in the Assembly on the 27th December the Minister of the Interior said that five intendants of police (senior police officials of a region under Vichy) had been condemned to death. At least one of these Cussonac, who narrowly escaped lynching in the incident at Lyons which arose out of Angeli's conviction (see Mr. Parr's despatch to me, No. 4 of the 7th December) has now been executed.

3. A disquieting feature of the situation in the provinces is the continuance of incidents of lynch justice, which appear, indeed, to have recently become more frequent. Almost every day the *Figaro*, in its section on the progress of the purge, contains a list of two or three incidents headed "Summary Executions" or "Kidnappings" which are reported, even in this paper, whose leader-writers have recently taken a strong line against the excesses of the purge, without any critical comment. Nearly all these incidents appear to take place in the south of France. The victims are nearly always stated to have worked for the Germans. Among recent cases were a parish priest in the Annecy district and another in the Pyrenees, a woman who had worked as a cook for the Gestapo, and various ex-members of the Milice. A more prominent victim was General Barthelemy, president of the Légion des Combattants. Still more serious are cases of the lynching of individuals who had been condemned to death but who have successfully appealed either in cassation or for clemency. Three cases, involving eleven individuals, have been reported during the last week. At Bourges a man and a woman, whose death sentences had been commuted to hard labour for life, were kidnapped from the prison and shot. At Béziers on the 20th December four individuals, including a woman, whose appeal in cassation had succeeded and who were being transferred to Montpellier under a guard of gendarmes, were kidnapped and shot down with sub-machine guns. A still more serious incident of this kind was reported from the same area on the 28th December. When it was announced at Alès that the death sentence of the former mayor of the town, Marcel Farger, had been commuted to twenty years' hard labour, the local

Committee of Liberation called a public meeting, which was addressed by representatives of the Confédération générale du Travail and the Resistance organisations, the majority of whom appear to have been Communists. At the conclusion of the meeting the crowd marched to the Sub-Prefecture, demanding the carrying out of the death sentence on Farger. Meanwhile, a detachment of police from Montpellier removed Farger from the fort at Alès where he was imprisoned. At the news of this the crowd went to the fort, forced its way in and shot four men who had been condemned to death. When the car carrying Farger to the Montpellier prison arrived at the latter town it was stopped by six armed men in another car, who overpowered Farger's guards and put him up against a wall and shot him.

4. The Paris press naturally gives far more prominence to proceedings in the Paris Court of Justice than to trials in the provinces. A number of sub-sections or panels of this court are now sitting. M. de Menthon informed the Consultative Assembly on the 5th December that no less than twenty-five sub-sections would be established during December, but it would not appear from the press that anything like this number has yet been attained. The Paris Court of Justice is not in any sense a High Court, and it has not yet tried any figures of the first rank. The Ministers and the highest officials of the Vichy Administration will be tried before the High Court of Justice set up under the ordinance of the 18th November, reported in Mr. Holman's despatch No. 394 of the 14th December, and which may begin to sit in about a month's time. The Paris Court has, however, tried a number of notable collaborators in recent weeks. In addition to the infamous gang of Lafont, Bony, &c., whose trial was fully reported in my despatch No. 424 of the 19th December, and eight of whom were shot on the 27th December, Maurice Tate having been reprieved for his part in the Liberation of Paris, the court has tried a number of journalists, speakers on the wireless and other publicists of standing. Sentences have varied widely, a fact which led M. François Mauriac in a recent article to describe trial by the court as "the new lottery." He referred in particular to the contrast between the sentence of death passed on Paul Chak, an elderly ex-naval officer and naval historian, who was president of the Committee of Anti-Bolshevik Action, of the Cercle Aryen, and who wrote anti-British and anti-Soviet articles in *Aujourd'hui*, and the sentence of five years' imprisonment imposed on Albertini, formerly secretary-general of the Rassemblement National Populaire and right-hand man to Déat. The astonishingly light sentence on Albertini has been much criticised in the press and in the Consultative Assembly. While the majority of the accused before the Paris Court of Justice have pleaded that they were misled or honestly mistaken and have asked for mercy, Albertini and Lucien Combelle, director of a pro-German weekly named *Révolution nationale*, took an aggressive line, maintaining that they were quite right in working for German victory. Lucien Combelle also escaped with fifteen years' imprisonment, and M. Mauriac suggested in the leading article referred to above that these tactics were more effective with the court than the pleas for mercy of men such as Paul Chak and Suarez.

5. The most important recent case before the Paris Court has been that of Henri Béraud, well known for his famous anti-British article of 1935, who continued under the occupation to write violently anti-British and anti-Gaullist articles in *Gringoire*. At his trial on the 29th December he maintained throughout that he was never pro-German. He admitted that he hated the English "from the days of Joan of Arc to the suppression of the Irish rebellion," but he claimed that he disliked most foreigners and loved only France—a point of view which arouses sympathy here and, *mutatis mutandis*, in most countries. Among the many witnesses against him, the most notable was Admiral Muselier, who recalled Béraud's insulting references to himself and said that the number of inhabitants of Saint-Pierre who voted for collaboration with the Axis corresponded exactly with the number of subscribers to *Gringoire*. Unfortunately, Admiral Muselier is not a figure that commands universal respect. Béraud was condemned to death. It is perhaps worth reporting that two separate attempts were made to induce His Majesty's Embassy to intervene on Béraud's behalf. In one case it was represented that he was certain to be acquitted and that his acquittal would seriously damage British prestige, since it would be generally supposed that he had only been prosecuted because of British pressure; in the other, that his conviction after a trial giving great publicity to his anti-British articles would be interpreted in the same way. I need hardly say that no notice was taken of these suggestions.

6. There have not been many arrests of note during the past month. Of two ex-Ministers arrested, the best-known is Patenôtre, Minister of National

Economy in the last Daladier Government, of which he was wrongly thought to be one of the staunchest members. He is accused of intelligence with the enemy and of subsidising two collaborationist provincial newspapers. The other is Pierre Gentin, Deputy for the Aube and former Minister of Commerce.

7. Apart from the directors of Air France, whose arrest was reported in my Savingram No. 501, the outstanding arrest of an economic collaborator is that of Ardent, head of the Société Générale. A number of Lyons businessmen have been arrested for black market dealings in the interest of the enemy and for providing information which assisted the forced recruiting of labour for Germany. One hundred and thirty firms are stated to be involved. The Paris Gas Company has been placed under sequester for acts of collaboration with the enemy. The Paris Committee of Liberation is now agitating for similar action in the case of the Paris Metropolitan Railway Company, whose director-general is stated to have consistently helped the enemy by repairing military transport, by organising the surveillance of members of the Resistance among the staff and by actively helping in the transport of German troops to the Normandy front during the summer campaign. No action has yet been taken against the company. There may be another side to the picture, as, according to certain reports, the company actively assisted the Resistance by hiding important stocks of coal, which were much used by the producer gas-driven vehicles of Resistance organisations. The clamour for a more extensive purge of industry and business continues, but the Minister of Industrial Production, speaking in the Assembly on the 20th December, gave a strong hint that he considered that the time had come to call a halt. In his New Year broadcast General de Gaulle, too, made it clear that he stood for a policy of conciliation rather than of vengeance. " Who of us," he asked, " has never made a mistake? Who of us has nothing with which to reproach himself? " The difficulty of pursuing such a policy, as he has always recognised, is that it may lead to just those lawless excesses to which reference has been made earlier in this despatch. So long as people believe that the guilty will be punished, they are prepared to leave them to the law, but when they begin to doubt that this is so, they will take the law into their own hands. The condemnation of Pucheu was a case in point. His execution at Algiers, according to law, may have prevented the committal of many outrages during the early days of liberation.

I have, &c.
DUFF COOPER.

13.

BRITISH EMBASSY,

7 525 PARIS.

4th January, 1945.

69/1/45
No. 11.

Sir,

Z 7936/3794/17

With reference to my Saving telegram No. 339 of the 23rd November, I have the honour to report that in recent weeks the Courts of Justice throughout France have continued to try persons accused of acts of collaboration which are offences against the laws of France as they stood on the 16th June 1940. No official statistics on the activity of these Courts have yet been published, and it is therefore not possible to form any estimate from the meagre reports in the Paris press of the total number of cases tried, or the proportion of the accused who have been convicted. It is clear, however, that there have been a large number of death sentences. On one day in November as many as 17 were reported, and almost every day the Paris press briefly reports two or more death sentences in the Provinces. It is the general impression that the Provisional Courts are more severe than the Paris Court and the number of commuted death sentences seems to confirm this. There have certainly been some savage sentences in the Provinces. In one case (not reported in the Paris press) a whole family of five, including a small child, were condemned to death because one son had worked for the Gestapo. In the event only two of the five were executed.

2. Very few figures of national importance have been tried in the Provinces, and although there have been some trials of senior officials, it is clear that the great majority of the accused are small fry. There is no reason to suppose that they have not deserved the punishment they have received. For the most part, they are stated to have been guilty of active cooperation with the Gestapo and especially of the denunciation of patriots. Of the high officials tried in the Provinces the most important are Angeli, ex-Regional Prefect of Lyons whose conviction was quashed by the Lyons Court of Appeal, and whose re-trial will take place shortly; and Angelo Chiappe, brother of the notorious Prefect of Police, who was a viciously pro-German Prefect under Vichy and who was recently condemned to death by the Court of Justice at Nimes. In his speech in the Assembly on the 27th December, the Minister of the Interior said that five Intendants of Police (senior police officials of a Region under Vichy) had been condemned to death. At least one of these, Cussonac, who narrowly escaped lynching in the incident at Lyons which arose out of Angeli's conviction (see Mr. Parr's despatch to me No. 4 of the 7th December) has now been executed.

3. A disquieting feature of the situation in the Provinces is the continuance of incidents of lynch justice, which appear indeed to have recently become more frequent. Almost every day, the "Figaro" in its section on the progress of the Purge, contains a list of two or three incidents headed "Summary Executions" or "Kidnappings" which are reported, even in this paper, whose leader writers have recently taken a strong line against the excesses of the Purge, without any critical comment. Nearly all these incidents appear to take place in the South of France. The victims are nearly always stated to have worked for the Germans. Among recent cases were a parish priest in the Annecy district and another in the Pyrenees, a woman who had worked as a cook for the Gestapo, and various ex-members of the Milice. A more prominent victim was General Barthelemy, President of the Légion des Combattants. Still more serious are cases of the lynching of individuals who had been condemned to death but who have successfully appealed either in cassation or for clemency. Three cases,

The Right Honourable Anthony Eden, M.C., M.P.,

etc., etc., etc.

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/he...

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I have the honour to be, with great truth and respect,

Sir,

Your most obedient, humble Servant,

Duff Cooper

1945

Z

FRANCE

Z. 652
15 JAN 1945

Registry Number Z 652/255/17

TELEGRAM FROM Mr. Duff Cooper, Paris.

No. 75

Dated 14th January, 1945

Received in Registry 15th January, 1945.

Z: France

Reprieve of Henri Béraud.

Refers to Paris despatch No. 11 (Z 525/255/17) and reports that Henri Beraud's appeal was dismissed by the Court of Cassation but that on the 12th January he was reprieved and his sentence committed to hard labour for life. There has been very little press comment but short protests appeared in "Humanite" and "Le Populaire".

Last Paper.

(Z525)

References.

(Print.)

(How disposed of.)

8/ Major Morlan No. 10
Mr. O Scott, M.I.
18 Jan

(Minutes.)

Refused to D/P 12/1.

Copy { Maj. Morlan
Mr. O. Scott, M. of I.

Y.S. 17/1.

(Action completed.)

JO 22/1

(Index.)

11/12/46
Jnd

Next Paper.

2824

27437 F.O.P.

17

[CYPHER] DEPARTMENTAL No.1.

FROM PARIS TO FOREIGN OFFICE.

Mr. Duff-Cooper D: 8.06 p.m. GMT 14th January, 1945
No. 75

14th January, 1945 R: 10.20 p.m.BST 14th January, 1945

Z 652

15 JAN 1945

& & &

My despatch No.11. Z 525/253/17

Beraud's appeal in Cessation was dismissed. On January 12th it was announced that he had been reprieved and his sentence commuted to hard labour for life.

2. Decision is of course taken personally by General de Gaulle and there is accordingly very little press comment though Humanité and Populaire carry short protest.

15 JAN 1945 F.O.T.A. REGISTRY

5

18.

1945

Z

FRANCE

4

Z 823

JAN 1945

Registry Number Z 824/255/17

FROM Lord Strabolgi to the Secretary of State.

No.

Dated 8th Jan:1945

Received in Registry 17th Jan:1945

Z : France. +

Arrest of Mme Yves Chanteau for collaboration

Encloses copy of letter from Mrs. Muntz, regarding the arrest of Mme. Yves Chanteau and her husband for collaboration. Mme. Chanteau is the daughter of Will Dyson; asks whether any help can be given to her as she was British-born and suggests that the British Consul-General in Paris might be approached.

Last Paper.

Z652

References.

Z7999/379+/17:1944

(Print.)

(How disposed of.)

Dft) Lord Strabolgi

Jan 25

9) Paris No 109 (corrd)

25 Jan

(Action completed.)

27/1

(Index.)

10/2/45

(Minutes.)

H.S. 26/1

1) Lord Strabolgi to Private Secretary. Rec

Next Paper.

2926

NOTHING TO BE WRITTEN IN THIS MARGIN.
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Registry No.

January, 1945

Draft.

The Lord Strabolgi
(from the Secretary of State)

Copy correspondence
Paris

1) French Dept.
2) Passport Control Dept.
3) Private Secy

~~Post~~

Thank you for your letter of the 8th January about Madame Yves CHANTEAU and her husband.

We are copying the correspondence to the Embassy in Paris and I can only suggest that M. Chanteau should apply for a visa for the United Kingdom, in the ordinary way, to the Visa Section of the Embassy, explaining the circumstances of his case to them. His application would then receive due consideration.

I return herewith the enclosure to your letter

Nothing to be Written in this Margin.

If Yves Chanteau is guilty of collaboration with the Germans or has committed any other offence in France, he should, of course, be given no facilities to come to the U.K.

Draft reply

Western ~~Enquiry~~ Dept. ✓
Passport Control Dept.
Private Secy

Holt
12.1.45

Please see Z7999/3794/17 (1944), in view of which I submit an alternative draft reply.

F.S. Simpson 13/1

pres. 13/1

As Mme C. is British-born, & her father was also, the P.C.O. has standing instructions which would enable him to give her a visa for the UK if she were willing to leave her husband behind.

M. Cheshire 13/1/45

Seen
Holt
16.1

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21

FROM: LORD STRABOLGI.
TELEPHONES:
ABBEY 1503 & 5276 (OFFICE).
KENSINGTON 6897 (HOUSE).

4
7 IDDESLEIGH HOUSE,
CAXTON STREET,
LONDON, S.W. 1.

8 January, 1945.

Dear Eden

With reference to the enclosed letter from a Mrs. Muntz, I certainly knew Will Dyson, and I expect you did, too - or at any rate his brilliant work as a cartoonist and artist.

I do not know if you can suggest any way in which this British born lady and her husband can be helped, and it is possible that he or she committed some offence during the German occupation.

I know nothing beyond what is in this letter.

Would it, nevertheless, be possible for you to put through some enquiry to our Consul-General in Paris?

With kind regards,

Yours sincerely,

Strabolgi

The Rt.Hon.Anthony Eden M.P.
Foreign Office, S.W.I.

1. Ack 10/1/45
2. Consular Dept.
Could you
pl. advise
Mr. Ede M.P. on a
reply.
A.N.
9.1.

COPY

T.W. 2662

71, Calverley Road,
Tunbridge Wells,
Kent.

27.12.44

Dear Lord Strabolgi,

I have received a letter from the daughter of Will Dyson, now Mme. Yves Chanteau, in which she tells me that you were a friend of her father and that she would be more than grateful if you could give her any help in the matter of the return of herself and her husband to this country. The position is as follows:

Since the collapse of France M. and Mme. Chanteau have been unable to communicate with friends in England except by very rare Red Cross letters. I understand that they have been in great straits for money, that they have been more than once mobmed out and are now practically penniless though they have funds in this country which they cannot touch. Mme. Chanteau could obtain permission to return to England, but she states in her letter that there are urgent reasons which she dare not name why she must not leave her husband in France. She says in referring me to you, "if Lord Strabolgi knew half of what I am unable to tell you now, I know there isn't a person in England who wouldn't do something to try to get my husband out and home with me....The food situation is grim - since I've been in Paris the last two months, I've never suffered so much from hunger in my life ... We are pretty well at the end of our tether, and it is urgent that we be pulled out rapidly, if pulling out is possible... Officially this return of ours should be regarded as a repatriation and not a voyage. Furniture, money, every interest is in England. (I was caught in this country in 1940. If my consul at Brest had done his duty I'd have been home with all the French who were luckier than I was) Yves looks upon England as his home. I am emphasising this as there are so many British residents in France to whom this does not apply, because they resided permanently in France."

Mme. Chanteau gives her address as c/o Westminster Foreign Bank, 22 Place Vendome, Paris. Her letter was brought to this country by a friend and posted here. Previous letters to which she refers have not reached me. If you can give me any help or advice I shall be most grateful. I expect you know that Will Dyson left no near relatives and therefore as an old friend I have been doing what I could on Mme. Chanteau's behalf since 1940.

I enclose a stamped envelope herewith and should be glad to hear from you as soon as conveniently possible.

Yours truly,

(Signed) (Miss) Hope Muntz.

The Lord Strabolgi,
The House of Lords,
Westminster, S.W.1.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z

F.O. 13/1

Draft.

Lord Strabolgi from S/S

✓ see minute over

P.C. Dept. } first
Private Secy. }

15.1

13/1

Copy comp.-
Paris Emb.
Z 7999 (1944)

Seen by Consular Dept
15.1
16.1

23 17 9

Jan. 1945

CONFIDENTIAL OUT FILE

Dear Strabolgi

Thank you for your letter of the 8th Jan. about M. and Mme YVES CHANTEAU.

We were asked last autumn to make enquiries about the difficulties in which M. CHANTEAU found himself with the French authorities. These enquiries showed that during the German occupation M. CHANTEAU engaged in activities of which the French authorities were entitled to take a serious view and that he was accordingly arrested by the G.F. after the liberation of Brittany. In response to strong pressure the French reluctantly agreed to release M. CHANTEAU, but without acquitting him of the offence with/

F.O.S. 24

offence with which he was charged.

I am advised that in the circumstances it is unlikely that the French authorities would give M. CHANTEAU an exit permit in order to enable him to leave France and importune that the authorities concerned here would agree to authorize the grant (to him) of a U.K. entry visa.

Mme CHANTEAU has already been advised by a British officer, who is in a position to know what course of action is in her best interests, to lie low and hope that the charge against her husband will blow over. Meanwhile, the less she brings herself or her husband to the notice of the French authorities the better from her point of view.

I return herewith the enclosures to your letter.

(Sd) YOURS SINCERELY
Anthony Eden

NOTHING TO BE WRITTEN IN THIS MARGIN.

25

OUT FILE

25. January 1945

Confidential
(Z 824/255/17)

Dear Strabolgi

Thank you for your letter of the 8th January about Monsieur and Madame Yves Chanteau.

We were asked last autumn to make enquiries about Monsieur Chanteau's difficulties with the French authoritie These enquiries showed that during the German occupation Monsieur Chanteau engaged in activities of which the French authorities were entitled to take a serious view and that h was accordingly arrested after the liberation of Brittany. In response to outside pressure the French reluctantly agre to release Monsieur Chanteau, but without acquitting him of the offence with which he was charged.

In the circumstances it is unlikely that the French authorities would give Monsieur Chanteau an exit permit in order to enable him to leave France and improbable that the authorities concerned here would agree to authorize the gra to him of a United Kingdom entry visa.

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I return herewith the enclosures to your letter.

YOURS SINCERELY

(Sd) Anthony Eden.

The Lord Strabolgi

From Lord Strabolgi.

KENSINGTON 6897.

53. HARRINGTON GARDENS, LONDON. S. W. 7.

INDEX

February 5th 1945.

Dear Private Secretary,

Please thank Mr. Eden very much from me for his helpful letter about M. and Mme. Yves Chanteau.

In view of what he tells me about the activities of M. Chanteau, I shall certainly take no further action in the matter.

Yours very truly,

Strabolgi.

Z 824/255/17

8 FEB 1945

Reference: Z.824/255/17

The Private Secretary to the
Rt. Hon. Anthony Eden M.P.,
Foreign Office, S.W.I.

B

1945

Z

FRANCE 1

Z 926

12 JAN 1945

Z Registry Number } Z 926/255/17.

FROM Foreign Office Minute, Mr. V.G. Lawford.

No.

Dated 12th Jan., 1945.

Received in Registry } 19th Jan., 1945.

Z: France.

Question of Chief of the Imperial General Staff's intervention on behalf of M. Carles

Colonel Boyle, Aide-de-Camp to the Chief of the Imperial General Staff has asked for advice on a question of intervention with the French authorities on behalf of M. Carles, former Mayor of Lille, who has been arrested for collaboration. A Senior French General asked the French Military Attaché to inform the Chief of the Imperial General Staff of the arrest and for information whether he would be willing to make a short statement about his relations with M. Carles in 1940.

Last Paper.

Z 924

References.

(Print.)

(How disposed of.)

(Action completed.)

(Index.)

10/12/46

Next Paper.

2983

(Minutes.)

F.O. 231

NOTHING TO BE WRITTEN IN THIS MARGIN.

28.

Minutes.

Z 926
19 JAN 1945

Western Department.
Mr. Harvey.
Sir A. Cadggan.

Colonel Boyle, A.D.C. to the C.I.G.S. has asked for advice on the following matter.

When the C.I.G.S. was in France at the beginning of the war he came into contact with M. Carles, at that time Mayor of Lille. He found M. Carles helpful then, but he has had no contact with him since. He has, however, been informed by the French Military Attaché (who said that he was approaching him, discreetly, on behalf of a Senior French General) that M. Carles is now coming up for trial in France on a charge of collaboration with the Germans. The senior French General wishes to know whether the C.I.G.S. would be willing to make a short statement about his relations with M. Carles in 1940, which might be read out at the trial.

C.I.G.S. realises that all this is rather delicate and he would be grateful for advice of the Foreign Office.

12th January, 1945.

I think that the C.I.G.S. ought to keep out of this unless he is in a position to state that M. Carles rendered really exceptional services to the B.E.F. (which apparently is not the case). After all it was M. Carles' job to be helpful; * If this helpfulness were made / the

Minutes.

256
FOR WAR

a request for a statement by the C.I.G.S., we shd. be accused of Resistance quarters of intervening to save a collaborator.

Pk. Speaight
12/1

I agree that the C.I.G.S. should keep out of this if possible.

Hollingsworth
13.1

I think so too. I suggest that the senior French general in either Ser. Sevices or Ser. Financ.

Makins
13/1

I agree. The abnormality of M. Carles in early 1940 has no bearing on his subsequent behaviour, under the invaders!

Ab.
Jan. 15. 1945.

I have told Col. Boyle.
16 Jan

IS MARGIN.
NOTHING TO BE WRITTEN IN

E7

1945

Z

FRANCE

Z 983

20 JAN 1945

30

z Registry Number } Z 983/255/17

FROM Consulate General, Marseilles to French Department

No. SEK/HIF (22-2(2)

Dated 15th Jan.,

Received in Registry } 20th jan. 1945.

Z: France.

Arrest of MM. Morin and Brochier

Refers to letter of 18th October and Consular Department's reply of 2nd November (Z 7100/3794/17). Reports that although M. Morin was released after a week in prison, M. Brochier is still detained, and it is thought that he helped in the removal of deposits. Encloses copy of extract from "Le Patriote de Provence" dated 12th January, calling for the arrest of managers of eight Marseilles banks accused of having delivered money from safe deposit boxes to the Germans.

Copied Paris

Last Paper.

Z926

References.

Z7555/3794/17: 1945

(Print.)

(How disposed of.)

Dft/ Barclays Bank (France) 24 Jan

(Minutes.)

dft. Barclays Bank (France).

Y.S. 23/1.

Consular Dept. o/a

26.1

1) Barclays Bank (France) 28 Jan 26.

Y.S. 30/1

(Action completed.)

27/1

(Index.)

19/2/26

Next Paper.

Z1142 (Z1884)

SEK/HIF

Z 31

TELEPHONE : D. 41-85

BRITISH CONSULATE GENERAL
MARSEILLES

Z 983

20 JAN 1945

(22 - 2(2)

January 15th, 1945.

Copied to:
H.M. Embassy, Paris.

Dear Department,

Please refer to our letter to the Consular Department dated 18th October last and to your reply dated 2nd November (Z 7100/3794/17) on the subject of the arrest of Messieurs Morin and Brochier, Managers of the Marseilles Branch of the Westminster Foreign Bank, Limited, and of Barclays Bank (France) Limited, respectively.

Morin was released after one week's confinement, but Brochier is still held in prison. We understand confidentially that Brochier is thought to have facilitated the removal of deposits by arranging for the presence of a lock-smith to open certain safes. Brochier's case, it is understood, has been referred to the Minister of Justice in Paris.

In this connexion we now enclose an article which appeared in "Le Patriote de Provence" of Marseilles on the 12th instant, calling for the immediate arrest of the managers of eight Marseilles Banks who are accused of having delivered to the Germans gold and notes lying in safe deposit boxes.

A copy of this letter has been sent to the Embassy.

Yours ever,

MARSEILLES CONSULATE GENERAL.

French Department,
Foreign Office,
London, S.W.1.

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PARLEZ-EN TOUS...

La trahison des banques.

Dans notre numéro du 23 décembre nous avons dénoncé les huits banques marseillaises qui, le 18 et le 19 août dernier, avaient livré de l'or et des devises aux Allemands.

La semaine dernière nous avons eu le plaisir de voir tous nos confrères de la presse reprendre cette information et dénoncer à leur tour ce scandale. Rappelons que c'est le 18 novembre que les dossiers ont été transmis à M. Aubrac, commissaire du gouvernement. Celui-ci les transmit immédiatement à M. Gallu, procureur général à Aix. M. Gallu les adressa immédiatement à M. le Garde des Sceaux et le 4 janvier le ministère de la Justice informa la presse qu'une enquête était ouverte contre les huit banques de notre ville qui avaient volontairement livré de l'or et des devises aux Allemands. C'est très bien. N'aurait-on pas dû commencer par arrêter les directeurs de ces banques ? Pourquoi dès le 18 novembre, ne l-a-t-on pas fait ? Qui a eu peur de prendre une telle responsabilité ?

◈ ◈

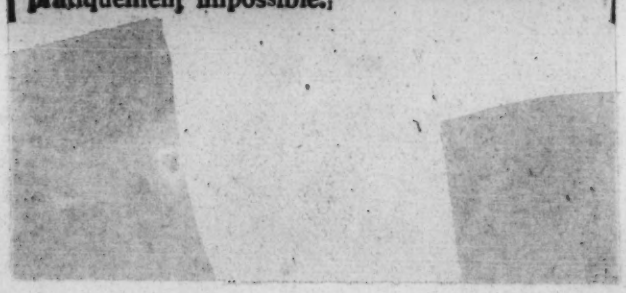
L'article 3 de l'ordonnance du 26 juin s'applique à tous les faits de collaboration. Ces banques pouvaient fort bien se soustraire à l'obligation de dénonciation au *Devisenschutz Kommando.*

Il était possible aux directeurs de fournir un état « néant », d'autant plus facilement que ces établissements possédaient un certain nombre de coffres ou de dépôts au nom de clients ennemis de l'Allemagne. Il suffisait de refaire quelques feuilles de comptes et quelques cartes de signatures en modifiant les noms et les adresses.

Toutes ces banques possédaient des coffres en location au nom de clients connus par leurs sentiments antiallemands. C'était donc simple de diriger les effractions des boches sur des coffres vides en refaisant les cartes des signatures.

Ces directeurs pouvaient aussi, sans aucun risque, donner les noms des locataires des coffres abandonnés ; c'est-à-dire les noms de ceux qui n'ont plus donné signe de vie depuis des années, mais qui ont tout de même conservé la clé. A priori, ces coffres pouvaient être présumés vides.

Une vérification minutieuse par le *Divisenschutz Kommando* aurait été très difficile et pratiquement impossible.



C'est le 15 août au matin que les troupes franco-alliées ont débarqué en Provence et le même jour les principaux services allemands quittaient en hâte Marseille. Les premières confiscations eurent lieu le 18. Etant donné le nombre considérable de coffres qui existent dans chaque banque et le désir d'opérer et de fuir qu'avaient les boches, il leur eût été matériellement impossible de les faire ouvrir tous par effraction pour mettre la main sur ceux qui contenaient de l'or et des devises.

Les directeurs avaient donc la possibilité de se soustraire aux ordres reçus en fournissant une fausse liste des coffres vides ou considérés comme abandonnés, du fait de disparition de leurs locataires. En agissant de la sorte, les recherches auraient été égarées, ces messieurs auraient évité le vol d'or et de devises qui permettent aujourd'hui à l'ennemi de continuer la guerre contre notre pays.

La Garde Civique Républicaine s'élève contre cette trahison et demande l'arrestation immédiate des huit directeurs.

◈ ◈

"Le Patriote de Provence"

Jan. 12, 1945

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z983/255/17

Draft

The Manager,
Barclays Bank
(France) Ltd.
54, Lombard St.,
E.C.3.

OUT FILE 24th Jan. 1945

Confidential

33

Sir,

W. refce. to this Dept.'s letter of the 2nd Nov. last, concerning the arrest of M. BRÉCHIER, manager of the Marseilles branch of your Bank, I am dir. to state that H.M. Consul-Gen. has been informed confidentially that M. Brechier is thought to have facilitated the removal of deposits/

deposits by arranging for the presence of a locksmith to open certain safes. H.M. C-G. understands that the case has been referred to the Min. of Mins of Justice in Paris.

2. I am further to enclose, for your info., an extract from "LE PATRIOTE DE PROVENCE" of Marseilles.

Y.S.
23/1

(Sd) H.R. Hagan-Mallet

NOTHING TO BE WRITTEN IN THIS MARGIN.

35

983/255/17.

OUT FILE

S.

24th January, 1945.

Confidential

Sir,

With reference to this department's letter of the 2nd November last, concerning the arrest of Monsieur Brochier, manager of the Marseilles branch of your Bank, I am directed by Mr. Secretary Eden to state that His Majesty's Consul-General has been informed confidentially that Monsieur Brochier is thought to have facilitated the removal of deposits by arranging for the presence of a locksmith to open certain safes. His Majesty's Consul-General understands that the case has been referred to th Minister of Justice in Paris.

2. I am further to enclose, for your information, an extract from "Le Patriote de Provence" of Marseilles.

I am,
Sir,
Your obedient Servant,

(Sd) J. R. Hayes-Millar

The Manager,
Barclays Bank (France) Limited,
54, Lombard Street,
E.C.3.

36.
2.

Barclays Bank (France) Limited.

TELEGRAPHIC ADDRESS: BARCLOSEA, STOCK, LONDON.
TELEPHONE Nº MANSION HOUSE 1867.

INDEXED

DIRECTORS
H. E. SEEBOHM (CHAIRMAN). F. FISCHEL, CZECH NATIONALITY (FORMERLY AUSTRIAN).
LT.-COL. M. R. C. BACKHOUSE, D.S.O. A. B. GILLETT.
L. G. BUXTON, M.V.O., M.C. SIR WILLIAM M. GOODENOUGH, BT.
W. O. STEVENSON.

54, Lombard Street,
London, E.C.3.

26th January 1945.

Z 983 / 255 / 17
27 JAN 1945

The Under-Secretary of State,
Foreign Office,
S.W.1.

Sir,

We beg to acknowledge receipt of your letter of the 24th instant, Ref: Z 983/255/17, together with enclosure, and have taken due note of the information contained therein, for which we thank you.

We are, Sir,
Yours faithfully,

Manager.

8

1945

Z

FRANCE

Z 1142 37

24 JAN

Registry Number Z 1142/255/17.

FROM Chancery (Paris) to Western Department.

No.

Dated 19th January, 1945

Received in Registry 24th January 1945

Z : France

Decree relating to acts of "national Indignity"

Refers to Chancery letter of November 17th (Z 7996/3794/17) and encloses extract from the "Journal Officiel" No. 159 of December 27th giving text of an Ordinance dated December 26th modifying and codifying legislation relative to acts of "national indignity".

Discusses the modifications, which do not materially affect the Ordinance and points out that the application of the texts will result in the creation of a class of citizens without rights in France.

Last Paper.

Z983

References.

(Print.)

(How disposed of.)

8/ Mr. Oliphant, M of I Jan 31

(Action completed.)

(Index.)

12/12/16

Next Paper.

21489

(Minutes.)

C/y Mr O. Scott, M. of I.

Y.S. 27/1

Library 2/2

F.O.R. 27/1/45

Z 1142
21 JAN 1945

99
2 38.

British Embassy,

Paris.

19th January, 1945.

Dear Department,

With reference to our letter 466/6/44 of the 17th November, with which we sent you the text of an Ordinance dated 26th August, on the punishment of offences of national indignity and two minor amendments to the text published at subsequent dates, we enclose a new measure codifying and modifying legislation on this subject.

2. This new Ordinance of the 26th December does not substantially depart from the original measure as modified after the debate in the Consultative Assembly on the 10th July. This was fully reported in our Despatch No.430 of the 20th July,1944. There are certain interesting modifications of detail, such as the change of title of the body which pronounces judgement in these cases, from "section speciale" to "chambre civique" since the earlier designation too clearly evoked memories of Vichy jurisdiction. These "chambres civiques" are now at work, although there have been few references to them in the press. A considerable number of sentences of national indignity have,however, been pronounced in Paris in the last six weeks by the Courts of Justice, of which a large proportion have been for a specified number of years.

3. Since the application of these texts will logically result in the creation within France of a considerable class of inhabitants without rights, we are forwarding you copies of the measure in its final form for reference purposes.

Yours ever,

Chancery.

Western Department,
Foreign Office,
London,S.W.1.

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Journal officiel No. 159. December 27th 1944

.39

Vu l'ordonnance du 28 novembre 1944 portant modification et codification des textes relatifs à la répression des faits de collaboration;

Vu l'ordonnance du 9 août 1944 relative au rétablissement de la légalité républicaine;

Le comité juridique entendu,

Ordonne:

Art. 1er. — Est coupable d'indignité nationale et frappé de la peine criminelle prévue à l'article 23 ci-après, sans préjudice des autres peines criminelles ou des peines correctionnelles qu'il pourrait en outre encourir dans le cas où les faits reprochés constitueraient des infractions aux lois pénales en vigueur le 16 juin 1940, tout Français qui aura, postérieurement au 16 juin 1940, soit sciemment apporté en France ou à l'étranger une aide directe ou indirecte à l'Allemagne ou à ses alliés, soit porté atteinte à l'unité de la nation ou à la liberté des Français, ou à l'égalité entre ces derniers.

Art. 2. — Constitue notamment le crime d'indignité nationale le fait:

1° Soit d'avoir fait partie, sous quelque dénomination que ce soit, des gouvernements ou pseudo-gouvernements ayant exercé leur autorité en France entre le 16 juin 1940 et l'installation sur le territoire métropolitain du Gouvernement provisoire de la République française;

2° Soit d'avoir occupé une fonction de direction dans les services centraux, régionaux ou départementaux de la propagande desdits gouvernements;

3° Soit d'avoir occupé une fonction de direction dans les services centraux, régionaux ou départementaux du commissariat aux questions juives;

4° Soit d'être devenu ou demeuré adhérent, postérieurement au 1er janvier 1941, même sans participation active, à un organisme de collaboration quel qu'il soit, et spécialement à l'un des groupements suivants:

Le service d'ordre légionnaire.
La milice.
Le groupe collaboration.
La phalange africaine.
La légion des volontaires français.
La légion tricolore.
Les amis de la légion des volontaires français.
Le parti national collectiviste.
Le parti franciste.
Le parti populaire français.
Le mouvement social révolutionnaire.
Le rassemblement national populaire.
Le comité ouvrier de secours immédiat
Le service d'ordre prisonnier;

5° Soit d'avoir participé à l'organisation de manifestations artistiques, économiques, politiques ou autres en faveur de la collaboration avec l'ennemi;

6° Soit d'avoir publié des articles, brochures ou livres, ou fait des conférences en faveur de l'ennemi, de la collaboration avec l'ennemi, du racisme ou des doctrines totalitaires.

Art. 3. — L'indignité nationale est constatée par des juridictions instituées auprès de chacune des sections des cours de justice prévues par l'ordonnance du 28 novembre 1944. Ces juridictions reçoivent l'appellation de « chambres civiques ». Il peut être créé auprès de chaque section de cour de justice autant de chambres civiques que les circonstances l'exigeront.

Indépendamment des cas où elles sont la conséquence nécessaire d'une condamnation à une peine criminelle ou correctionnelle, les peines applicables en matière d'indignité nationale peuvent également être prononcées par la haute cour de justice et les cours de justice, dans les conditions prévues par les ordonnances des 18 novembre et 28 novembre 1944.

Pour l'appréciation de la culpabilité, la chambre civique ou, le cas échéant, la cour de justice, peut tenir compte de la pression exercée sur les auteurs ou de l'importance et de la fréquence de leurs agissements.

Ces juridictions peuvent également déclarer excusées et relever de l'indignité nationale, dans tous les cas prévus à l'article 1°, les personnes qui, postérieurement aux agissements retenus contre elles, se sont réhabilitées en se distinguant par des actions de guerre contre l'Allemagne ou ses alliés ou par la participation active, efficace et soutenue à la résistance contre l'occupant ou l'autorité de fait dite gouvernement de l'Etat français.

Art. 4. — La chambre civique est composée de cinq membres, un magistrat des cours et tribunaux désigné par ordonnance du premier président de la cour d'appel, qui la préside, et quatre jurés choisis comme il est dit ci-après.

Le commissaire du Gouvernement près la section de la cour de justice, ou l'un de ses adjoints, remplit les fonctions de ministère public. Un greffier du tribunal civil ou de la cour d'appel assure les fonctions de greffier.

Chaque mois, les noms de vingt jurés sont tirés au sort en audience publique, sur la liste visée aux articles 8 et 9 de l'ordonnance du 28 novembre 1944, et ce de la manière indiquée à l'alinéa 3 de l'article 9 de ladite ordonnance et après retranchement des vingt jurés désignés à cet alinéa.

Cette opération a lieu le même jour que celle définie audit alinéa 3 de l'article 9 de l'ordonnance du 28 novembre 1944 et immédiatement après.

Art. 5. — Au début de la première audience tenue dans la semaine et avant l'ouverture de tout débat, le président de la chambre civique, en présence du commissaire du Gouvernement et assisté du greffier, tire au sort les noms des quatre jurés titulaires et de un ou plusieurs jurés suppléants. Cette désignation est faite pour toutes les affaires appelées au cours de la semaine et reste valable pour la durée de toute affaire commencée dont l'examen se prolongerait pendant la semaine suivante.

Immédiatement après le tirage au sort, les jurés prêtent le serment prescrit par l'article 312 du code d'instruction criminelle.

Dans le cas où, dans le cours de la semaine, un ou plusieurs des jurés titulaires et suppléants tirés au sort seraient empêchés de suivre les débats, de telle sorte que leur nombre se trouverait inférieur à quatre, le président procédera à un tirage au sort complémentaire.

Le président, sur les réquisitions du commissaire du Gouvernement, statue par ordonnance sur les causes d'incapacité, d'incompatibilité et de dispense prévues par les articles 382, 383 et 384 du code d'instruction criminelle et 11 de l'ordonnance du 28 novembre 1944, et prononce le cas échéant contre les jurés défaillants les peines de l'article 396 du code d'instruction criminelle.

Art. 6. — Les incapacités prévues aux articles 11 et 12 de l'ordonnance du 28 novembre 1944 relative à la répression des faits de collaboration sont membres des chambres c saires du Gouvernement

Art. 7. — En cas d'empê sident de la chambre civiq à son remplacement au d'appel par ordonnance d dent de ladite cour, et e siège, par ordonnance du bunal civil du lieu. Dans la désignation ainsi faite être immédiatement rendu mier président de la cour que jusqu'à nomination suppléant.

Art. 8. — En cas d'empê missaire du Gouvernemen justice et des commissai fonctions du ministère pub bre civique sont rempli magistrats du parquet du lieu.

Art. 9. — La compéten la chambre civique est la de la section ou sous-secti justice auprès de laquelle

Art. 10. — La chambre c soit par citation donnée a commissaire du Gouverne tion de la cour de justice, motivée, présentée au pr chambre par le comité d la libération. Dans ce secc dent de la chambre civi requête au commissaire d Ce dernier procède à une faits invoqués et cite le pr

Art. 11. — Il y aura en le jugement un délai francs pendant lequel le d la disposition de la person ou à celle de son conseil section de la cour de just

Art. 12. — L'accusé co sonne.

Art. 13. — Les débats audience publique. Après le sident, l'interrogatoire du dition des témoins appelés tre, le commissaire du G entendu dans ses conclu sonne citée ou son consei cations.

Le président de la char investi des pouvoirs att dent de la cour de justice de l'ordonnance du 28 no

Le président et les jurés délibérer. Ils décident si non coupable d'indigni ordonnent un supplémen qui est confié au commiss nement. Dans ce dernier la date à laquelle l'affair nouveau devant la chamb

Art. 14. — Les témoins ser, font le serment à l'au sans haine et sans crainte la vérité, rien que la vér

Art. 15. — Les témoins comparu sur la citation du Gouvernement ou de l'acc ront pas justifié qu'ils en ment empêchés, ou qui re leur déposition, seront ju sident et punis conformém du code d'instruction cr

Art. 16. — Après avoir le président avertira, s'il damné qu'il a un délai heures pour se pourvoir e

ORDONNANCES

Ordonnance du 26 décembre 1944 portant modification et codification des textes relatifs à l'indignité nationale.

Le Gouvernement provisoire de la République française,

Sur le rapport du garde des sceaux, ministre de la justice,

Vu l'ordonnance du 3 juin 1943 instituant le Comité français de la libération nationale, ensemble les ordonnances des 3 juin et 4 septembre 1944;

Vu l'ordonnance du 26 août 1944 relative à l'indignité nationale, ensemble les ordonnances des 30 septembre et 17 octobre 1944;

39
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ntre les jurés défaillants
rticle 396 du code d'ins-
e.
incapacités prévues aux
l'ordonnance du 28 no-
tive à la répression des
faits de collaboration sont applicables aux membres des chambres civiques, commissaires du Gouvernement et greffiers.

Art. 7. — En cas d'empêchement du président de la chambre civique, il est pourvu à son remplacement au siège de la cour d'appel par ordonnance du premier président de ladite cour, et en dehors de ce siège, par ordonnance du président du tribunal civil du lieu. Dans ce dernier cas, la désignation ainsi faite, dont il devra être immédiatement rendu compte au premier président de la cour d'appel, ne vaut que jusqu'à nomination d'un président suppléant.

Art. 8. — En cas d'empêchement du commissaire du Gouvernement près la cour de justice et des commissaires adjoints, les fonctions du ministère public près la chambre civique sont remplies par l'un des magistrats du parquet du tribunal civil du lieu.

Art. 9. — La compétence territoriale de la chambre civique est la même que celle de la section ou sous-section de la cour de justice auprès de laquelle elle est instituée.

Art. 10. — La chambre civique est saisie, soit par citation donnée au prévenu par le commissaire du Gouvernement près la section de la cour de justice, soit par requête motivée, présentée au président de ladite chambre par le comité départemental de la libération. Dans ce second cas, le président de la chambre civique transmet la requête au commissaire du Gouvernement. Ce dernier procède à une enquête sur les faits invoqués et cite le prévenu.

Art. 11. — Il y aura entre la citation et le jugement un délai de quinze jours francs pendant lequel le dossier est tenu à la disposition de la personne mise en cause ou à celle de son conseil au greffe de la section de la cour de justice.

Art. 12. — L'accusé comparaît en personne.

Art. 13. — Les débats ont lieu en audience publique. Après le rapport du président, l'interrogatoire du prévenu et l'audition des témoins appelés de part et d'autre, le commissaire du Gouvernement est entendu dans ses conclusions et la personne citée ou son conseil en leurs explications.

Le président de la chambre civique est investi des pouvoirs attribués au président de la cour de justice par l'article 24 de l'ordonnance du 28 novembre 1944.

Le président et les jurés se retirent pour délibérer. Ils décident si l'accusé est ou non coupable d'indignité nationale ou ordonnent un supplément d'information qui est confié au commissaire du Gouvernement. Dans ce dernier cas, l'arrêt fixe la date à laquelle l'affaire sera appelée à nouveau devant la chambre civique.

Art. 14. — Les témoins, avant de déposer, font le serment à l'audience de parler sans haine et sans crainte, de dire toute la vérité, rien que la vérité.

Art. 15. — Les témoins qui n'auront pas comparu sur la citation du commissaire du Gouvernement ou de l'accusé, et qui n'auront pas justifié qu'ils en étaient légitimement empêchés, ou qui refuseront de faire leur déposition, seront jugés par le président et punis conformément à l'article 80 du code d'instruction criminelle.

Art. 16. — Après avoir prononcé l'arrêt, le président avertira, s'il y a lieu, le condamné qu'il a un délai de vingt-quatre heures pour se pourvoir en cassation.

Le recours en cassation n'est ouvert que contre les arrêts de la chambre civique qui sont devenus définitifs.

Le pourvoi en cassation n'est pas suspensif. Toutefois, lorsque la confiscation des biens prévue par le dernier alinéa de l'article 21 aura été prononcée, l'administration de l'enregistrement, des domaines et du timbre ne pourra prendre, en ce qui concerne les biens confisqués, que des mesures conservatoires jusqu'à ce qu'il soit définitivement statué sur le pourvoi.

La cassation ne sera prononcée qu'au cas où la violation de la loi porte atteinte aux droits essentiels de la défense.

Les dispositions des alinéas 7 et 8 de l'article 416 du code d'instruction criminelle, modifié par le décret-loi du 8 août 1935, ne sont pas applicables.

Le pourvoi ne sera pas reçu pour violation ou omission d'une formalité prescrite à peine de nullité, antérieure ou concomitante au tirage au sort du jury de jugement.

Le pourvoi en cassation formé contre l'arrêt de la chambre civique est jugé par la chambre des mises en accusation de la cour d'appel, qui statue ainsi qu'il est dit au titre V de l'ordonnance du 28 novembre 1944, relative à la répression des faits de collaboration. En cas de cassation, l'affaire est renvoyée devant la chambre civique compétente autrement composée.

Le condamné pourra former un recours en grâce.

Art. 17. — L'arrêt fait mention de l'accomplissement de toutes les formalités prescrites par la présente ordonnance. Il contient les décisions rendues sur les moyens d'incompétence, les exceptions et les incidents.

Il énonce, à peine de nullité :

1° Les noms du président et des jurés ;

2° Les nom, prénoms, âge, profession, domicile de l'accusé ;

3° La prestation du serment des témoins et interprètes ;

4° Les réquisitions du commissaire du Gouvernement ;

5° L'indication que la décision a été formée à la majorité ;

6° Lorsqu'elles ont été accordées, la déclaration qu'il y a à la majorité des circonstances atténuantes ;

7° L'indication, si l'excuse prévue par le quatrième alinéa de l'article 3 a été admise, qu'il a été statué à la majorité ;

8° La décision de la chambre civique ;

9° La publicité des séances ;

10° La publicité de la lecture de l'arrêt faite par le président.

Art. 18. — Si l'accusé ne comparaît pas, la chambre civique statue sur la contumace.

La condamnation par contumace est exécutoire du jour de la signification de l'arrêt à personne ou à domicile, à moins que l'accusé ne se présente pour purger sa contumace.

Dans le cas où le contumax avait été régulièrement cité à personne devant la chambre civique, il n'est admis à purger sa contumace que s'il établit que sa non-comparution était due à un cas de force majeure. Dans le cas contraire, la condamnation prononcée demeure exécutoire à son égard.

La condamnation prononcée contre le condamné admis à purger sa contumace demeure également exécutoire à son égard si celui-ci ne se présente pas devant la chambre civique à l'audience pour laquelle il sera cité à comparaître afin d'être jugé à nouveau.

Art. 19. — La personne reconnue coupable d'indignité nationale est condamnée aux frais. Les dépens seront liquidés par l'arrêt.

Art. 20. — L'arrêt est rendu en audience publique. La minute sera signée par le président et le premier juré, à peine de 100 fr. d'amende contre le greffier et, s'il y a lieu, de prise à partie tant contre le greffier que contre le président.

Art. 21. — L'indignité nationale est punie de la dégradation nationale. La dégradation nationale est une peine infamante qui comporte :

1° La privation des droits de vote, d'élection, d'éligibilité et, en général, de tous les droits civiques et politiques et du droit de porter aucune décoration ;

2° La destitution et l'exclusion des condamnés de toutes fonctions, emplois, offices publics et corps constitués ;

3° La perte de tous grades dans l'armée de terre, de l'air et de mer ;

4° La destitution et l'exclusion des condamnés de toutes fonctions d'administrateur, directeur, secrétaire général, dans les entreprises bénéficiaires de concessions ou de subventions accordées par une collectivité publique, ainsi que de toutes fonctions à nomination du Gouvernement, des départements, des communes et des personnes publiques, dans les entreprises et services d'intérêt général ;

5° L'incapacité d'être juré, expert, arbitre, d'être employé comme témoin dans les actes et de déposer en justice autrement que pour donner de simples renseignements ;

6° La destitution et l'exclusion des condamnés des professions d'avocat, de défenseur agréé, de notaire, d'avoué, et généralement de tous les offices ministériels ;

7° La privation du droit de tenir école ou d'enseigner et d'être employé dans aucun établissement d'instruction à titre de professeur, maître ou surveillant, et également du droit de faire partie de tout groupement ayant pour but d'assurer ou de développer l'enseignement moral, intellectuel ou physique de la jeunesse ;

8° La destitution et l'exclusion des condamnés de tous organismes, associations et syndicats chargés de représenter les professions et d'en assurer la discipline ;

9° La destitution et l'exclusion des comités exécutifs, conseils d'administration, et autres organes directeurs des institutions chargées de l'application des lois et règlements relatifs au travail, à la prévoyance sociale, à la santé et à l'assistance publique ;

10° La privation du droit de diriger une entreprise d'édition, de presse, de radio ou de cinéma ou d'y collaborer régulièrement ;

11° L'incapacité de faire partie d'un conseil de famille et d'être tuteur, curateur, subrogé tuteur ou conseil judiciaire si ce n'est de ses propres enfants et sur l'avis conforme de la famille ;

12° La privation du droit de détention et de port des armes ;

13° L'interdiction d'être administrateur ou gérant de sociétés ;

14° L'interdiction d'être directeur du siège central ou directeur général ou secrétaire général d'une entreprise de banque ou d'assurance.

A titre complémentaire, la chambre civique peut prononcer la confiscation soit de la totalité, soit d'une quote-part des biens du condamné, dans les conditions prévues par les articles 37, 38 et 39 du code pénal.

Art. 22. — La dégradation nationale, qu'elle soit prononcée à titre principal, conformément à la présente ordonnance, ou dans les conditions prévues aux articles 51 et 61 de l'ordonnance du 28 novembre 1944, ou à titre complémentaire, par application de l'alinéa 2 de l'article 26 ci-après, ou encore à titre accessoire comme il est prévu à l'alinéa 3 de l'article 79 de l'ordonnance du 28 novembre 1944, ne peut être confondue avec aucune autre peine que celles prévues aux articles 34 et 48 du code pénal.

La condamnation à la dégradation nationale ne fait pas échec à l'application des dispositions de l'alinéa 4 de l'article 83 du code pénal, modifié par le décret du 9 novembre 1939.

Le mineur de dix-huit ans, acquitté comme ayant agi sans discernement, sera remis à sa famille.

Art. 23. — La chambre civique, en déclarant l'indignité nationale, peut décider qu'il sera interdit à la personne reconnue indigne de résider dans un certain nombre de localités de France, d'Algérie, des colonies ou des pays de protectorat qu'elle désignera.

Dans le cas où, par application du troisième alinéa de l'article 2, la chambre civique aurait admis les circonstances atténuantes, la durée des déchéance, exclusions, incapacités et privations de droit énumérées à l'article 23 peut être réduite à une période qui ne sera cependant pas inférieure à cinq ans.

Art. 24. — L'indignité nationale ne peut être constatée par la chambre civique que sur citation délivrée ou requête déposée avant l'expiration d'un délai de six mois après la date de la libération totale du territoire métropolitain telle qu'elle sera fixée par décret.

Toutefois, elle pourra être constatée par cette juridiction à titre complémentaire sur citation délivrée ou requête déposée après l'expiration de ce délai, dans le cas où une condamnation aurait été prononcée par un tribunal militaire ou une juridiction de droit commun pour la répression des faits définis à l'article 1er de l'ordonnance du 28 novembre 1944, mais qui, aux termes de l'article 5 de ladite ordonnance, ne pouvaient plus être déférés à ladite cour de justice.

Art. 25. — La décision constatant l'indignité nationale reçoit la publicité prévue par l'article 36 du code pénal. Elle est inscrite aux bulletins nos 1, 2, et 3 du casier judiciaire. Elle est notifiée sans délai au préfet.

Lorsque les déchéances, exclusions, incapacités et privations de droit attachées à l'indignité nationale ne sont prononcées que pour une durée déterminée, la mention portée au casier judiciaire cessera de figurer au bulletin n° 3, cinq ans après l'expiration de la peine lorsque, dans l'intervalle, ne sera intervenue aucune nouvelle condamnation à un peine afflictive et infamante.

Art. 26. — La violation par une personne condamnée pour crime d'indignité nationale des dispositions de la présente ordonnance est punie d'un emprisonnement de un à cinq ans et d'une amende de 10.000 à 100.000 fr. ou l'une de ces deux peines seulement.

Les dirigeants des administrations, concessions, entreprises ou régies convaincus de complicité sont frappés des mêmes peines.

9

40

1945

Z

FRANCE

4
Z 1489
1 FEB 1945

z Registry Number } Z 1489/255/17.

TELEGRAM FROM Mr. Duff Cooper, Paris.

No. 172 Important .

Dated 31st Jan.,
Received in Registry } 1st Feb., 1945.

Z: France.

Arrest of M. Paniguian's brother in France

Gives text of message for transmission to Athens for M. Paniguian from Mr. Scarlett, reporting the arrest of the former's brother for "National indignity".

Last Paper.

Z1442

References.

(Print.)

(How disposed of.)

Repeated Athens No. 344

(Minutes.)

F.D.41. 1/2

(Action completed.)

20/2

(Index.)

11/12/46

Next Paper.

Z1604 (Z1624)

27437 F.O.P.

41

Z

Z 1389

1 FEB 1945

[CODE R] REPETITIONS

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper.
No. 172.

D: 6.22 p.m. GMT 31st January, 1945.

31st January, 1945.

R: 9.25 p.m. BST 31st January, 1945.

@@@ @@@ @@@

IMPORTANT

Please pass to Athens as my telegram No. 1.

[Begins]

Following for Panignian from Scarlett.

Gillie tells me that under new regulation your brother will be tried as member of P.P.F. on February 5th penalty indignité national. He suggests that if you have written evidence to offer on his behalf you should telegraph to president of Thirteenth [sic] Chamber, second civil court Palais de Justice Paris asking postponement of the trial till evidence can arrive.

1945 [Repeated to Athens as telegram No. 344.]

10

1945

Z

FRANCE

Z 1604

3 FEB 1945

42

Registry Number Z 1604/255/17

TELEGRAM FROM

Mr. Duff Cooper,

No. 56 Saving.

Dated 28th Jan:1945

Received in Registry 3rd Feb:1945

Z : France. +

Communique issued by Council of Ministers on 23rd January regarding time limit for the purge of local and central administration.

1st February is the time limit for the purge and cases now pending involving death penalty must be terminated before 1st May. The decision is intended to reassure public opinion regarding slowness of individual proceedings. It is intended however to accelerate and not suppress judicial proceedings Organs of the left believe that many collaborators will go unpubished owing to impossibility to adhere to this time limit.

Last Paper.

Z 1489

References.

(Print.)

(How disposed of.)

8/ Sir D. Morton No. 10 7 FEB 5

(Minutes.)

Copy Sir D. Morton

F. Simpson 3/2

Min. 3/2

(Action completed.)	(Index.)
K 6/2	12/1.2/46

Next Paper.

Z 1699

22175 2'41 F.O.P.

43

2

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on]

Z. 1604

3 FEB 1945

[EN CLAIR] WAR CABINET DISTRIBUTION

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper.
No. 56. SAVING D. 28th January 1945.

28th January 1945. R. 4.40. p.m. 2nd February 1945.

.....

After meeting of Council of Ministers on January 25rd following communiqué was issued to the Press:

"The Government has fixed February 1st as the time limit for the purge of the Central Administration and March 1st for that of the Local Administrations, so that by these dates all measures for the purging of the Administrative Services should be completed. Furthermore all cases now pending involving the death penalty must be terminated before May 1st."

This decision is obviously intended to reassure public opinion in view of adverse effect which slowness of judicial proceedings and prospect of indefinitely protracted purge have been exercising in every field of national activity. A further time limit is expected for trials on non-capital charges. In inspired press comment it is pointed out that measure is intended to accelerate and not suppress judicial proceedings and will not have the effect of preventing fresh cases being brought before the courts. On the other hand organs of the left, whilst entirely approving speeding up of justice, feel that it will be quite impossible for Government under present system of judicial procedure to adhere to the proposed time limits and that many collaborators will accordingly go unpunished. In the words of the Franc Tireur the cease fire should be sounded, when the battle is over, and not when it has only just started.

FEB 3 REGISTRY

1945

Z

FRANCE

Z 1629

3 FEB 1945

z Registry Number } Z 1629/255/17.

TELEGRAM FROM Mr. Leeper, Athens.

No. 415 Important.

Dated 3rd Feb.,

Received in Registry } 3rd Feb., 1945.

Z: France.

Message for Mr. Scarlett from M. Paniguian, regarding his brother's arrest

Gives text of message for transmission to Paris, referring to Paris telegram No. 1 to Athens (Z 1389/255/17) and asking for the trial of M. Paniguian's brother to be postponed until evidence can be prepared and sent.

Reports that the written evidence will be sent by bag.

Last Paper.

Z 1604 (Z 1389)

References.

(Print.)

(How disposed of.)

R/told. Paris No. 215

(Minutes.)

OFS. 3/2.

(Action completed.)

(Index.)

11/2/46

Next Paper.

Z 1884

22175 2 41 F.O.P.

Z 1629
3 FEB 1945

45
Z

[CODE (R)] REPETITIONS

FROM ATHENS TO FOREIGN OFFICE

Mr. Leeper D. 8.59 a.m. GMT 3rd February, 1945
No. 415 R.10.35 a.m. BST 3rd February, 1945
3rd February, 1945

kkkkk

IMPORTANT

Please pass following to Paris as my telegram No. 1.

Your telegram No. 1. Z 1389/255/17

Following for Scarlett from Paniguian.

[Begins]:

Please pass following to President of 13th Chamber: "Paniguian requests President of 13th Chamber Second Civil Court Waisde to be good enough to postpone Brother's trial until written evidence which he is preparing urgently can be sent."

2. Am sending written evidence by bag.

[Ends].

[Repeated to Paris under Foreign Office No. 215.]

3 FEB 1945
FO REGISTRY

(2

1945

Z

FRANCE

Z 1884

9 FEB 1945

46.

Registry Number } Z 1884/255/17

FROM Mr. P.W. Scarlett, Paris to Mr. R.L. Speaight.

No.

Dated 25th Jan.1945.

Received in Registry } 9th Feb.1945.

Z : France

Arrest of Monsieur Brochier for collaboration.

Transmits copy of letter dated the 25th January addressed to Consul-General Kay, Marseilles, enclosing copy of a letter of the 13th January from Barclays Bank (France) to Mr. Duff Cooper, regarding the arrest of Monsieur Brochier, manager of the Marseilles branch of the Bank. Brigadier Rabino is to visit Marseilles to discuss the matter and to consider whether any action could be taken.

Correspondence regarding the arrest including press extracts, is also enclosed.

Last Paper.

Z1629 (2983)

References.

(Print.)

(How disposed of.)

(Action completed.)

(Index.)

Next Paper.

2205

(Z2224)

(Minutes.)

Y.S. 14/2

BRITISH EMBASSY,
PARIS.

25th January, 1945

Z 1884
9 FEB 1945

With the Compliments
of His Majesty's Embassy.

R. L. Speaight, Esq.,

Foreign Office,

London, S.W.1.

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28/25/45

48.

BRITISH EMBASSY,

PARIS.

25th January, 1945.

Dear Kay.

I enclose copy of a letter which the Ambassador has received from Barclay's Bank (France) Limited about the arrest of the manager of their Marseilles Branch. We are now considering whether any action is possible in this case and we hope that Brigadier Rabino, our Financial Adviser, will be able to visit Marseilles soon to discuss it with you. As, however, the weather may delay his journey for sometime, we should be grateful to have meanwhile any observations you may have on the same case.

I am sending a copy of this letter to Speaight at the Foreign Office.

Yrs. sincerely

DPR/AB

(Sd.) P. W. Scarlett.

E. Kay, Esq.,
British Consulate-General,
MARSEILLES.

COPY

BARCLAYS BANK (FRANCE) LIMITED

33 Rue du Quatre Septembre

PARIS, le 13th January, 1944.

His Excellency the Ambassador of Grea t Britain,
British Embassy,
Rue du Faubourg Saint-Honoré,
PARIS.

Excellency,

With referemce to our letter of the 20th October last, we beg to inform you that the Manager of our Marseilles Branch, arrested on the 13th of the same month, isstill in prison.

The facts are as follows:-

On the 1st of August, 1944, instructions were given by the German Authorities (Kommandant des Heeresgebietes Sudfrankreich) and transmitted by the Entente des Banquiers de Marseille, to all the banks of this city to delcare the safes let to persons considered by the Germans as "enemies" (British, American, etc.). The required particulars were given by our Branch on the last day of the prescribed delay, i.e. the 10th of August; on the 18th August, two German officers, who had notified our Branch of their visit on the previous day, ordered the breaking open of the safes in question in spite of the protest of our Manager, as is stated in the official report of the attorney summoned by him (of which we enclose an extract). Gold coins worth about one hundred thousand francs were seized.

The same proceedings took place, on the 18th and 19th August, in five other Marseilles banks which, in common with ourselves, had had to make the same declaration.

Marseilles was liberated on the 23rd of August.

Following investigations made in these six banks by the French Authorities after the Liberation, the respective Managers of the two British banks in Marseilles were arrested but the Manager of the Westminster Bank, in view, we believe, of his age and his bad health, was subsequently released. Further, a request for action against the six bankers concerned has been addressed to the Procureur Général who however has not taken any decision, but has transmitted the dossier to the Garde des Sceaux, Minister of Justice.

We have approached the necessary authorities in Marseilles where the undersigned went personally, and through our lawyer in that city, with a view to obtaining at least the temporary release of our Manager, Mr. L. BROCHIER, until the Ministry of Justice should decide on the eventual steps to be taken, but with no result.

An officer of the Services Spéciaux of the French Army went to Marseilles to attest to the services rendered by Mr. BROCHIER to the Resistance, also without result.

We have ascertained that, as mentioned in the press cuttings of which we enclose copies, the dossier is at present with the Ministry of Justice here, and on the 21st December we lodged a request with the Garde des Sceaux, as per enclosed copy, for the immediate release of our Marseilles Manager; the Ministry asked the local Procureur General

for explamations but as yet has received no reply.

Seeing that the charges against Mr. BROCHIER, concern his action as Manager of Barclays Bank (France) Limited, we take the liberty of asking Your Excellency whether it would be possible for you to obtain information from the Garde des Sceaux as to the fate reserved to our request. We would draw your attention to the thinness of the arguemants contained, according to the enclosed press cuttings, in the report aiming at the above-mentioned inculpation, which is said to state that the bank managers should have eluded the German Authorities' orders and misled them into breaking non-let and empty safes by making up new signature cards, inother words by falsifying the signature cards. The German officer who directed the operation, a certain Blumenstein, had been doing this work in France since 1940 and it is impossible to believe that he would not have suspected something on finding empty all the safes let in the six banks, and as he was aware that French Law obliged the banks to delcare to the Administration de l'Enregistrement all the safes let, he would, after making enquiries from this administration, have soon discovered the fraud which would have only led all these bank managers to imprisonment without prejudice to any other measures which would no doubt have been taken against the banks themselves.

Thanking you for your kind attention to the above, we beg to remain,

Your Excellency's most obedient servants,

BARCLAYS BANK (FRANCE) LIMITED.

GENERAL MANAGER.

PROCES-VERBAL DE CONSTAT.

L'an MIL NEUF CENT QUARANTE QUATRE ET LE DIX HUIT AOUT à 14 HEURES.

A la requête de la BARCLAYS BANK (FRANCE) LTD. Société Anonyme dont le siège est à Paris, poursuites et diligences de Monsieur le Directeur de l'Agence de MARSEILLE, y domicilié et demeurant La Canebière No.34.

Nous Alexandre BOLLET, licencié en droit, huissier près du Tribunal Civil de Marseille, y demeurant Rue de la Darse 21, soussigné:

Nous nous sommes à l'instant transporté dans les bureaux de la requérante, sis la Canebière No.34, pour assister à l'effraction ou à l'ouverture de divers coffres-forts fracturés ou ouverts par ordre de la DEVISENSCHUTZKOMMANDO FRANKREICH AUSSENSTELLE MARSEILLE, Boulevard d'Athènes, Hôtel Splendide.

A notre arrivée, nous sommes reçus par Monsieur Lucien Brochier, Directeur de la BARCLAYS BANK et immédiatement se présentent deux Officiers Allemands de la DEVISENSCHUTZKOMMANDO FRANKREICH AUSSENSTELLE qui exigent qu'il soit procédé immédiatement à l'effraction ou à l'ouverture des coffres ci-après:

Malgré les protestations de Monsieur le Directeur de la BARCLAYS BANK et sur l'ordre des deux officiers allemands, deux ouvriers serruriers procèdent immédiatement et dans l'ordre suivant à l'effraction ou à l'ouverture des dits coffres:

EXTRAIT DU JOURNAL LE PATRIOTE DE PROVENCE du 29 Décembre 1944.

Depuis le 20 Novembre, une enquête est ouverte contre huit directeurs de banque de Marseille, dont les noms suivent, qui sont accusés d'avoir, le 18 et le 19 Août dernier, livré de l'or et des devises aux Allemands.

Ce sont:

Mr. René François, directeur de la Banque Belge pour l'Etranger 20 rue Grignan.
Mr. Lucien Brochier, directeur de la Barclays Bank Limited 34 La Canebière.
Mr. Henir Léon Maurin, directeur de la Westminster Foreign Bank Ltd., 12 La Canebière.
Mr. Pierre Thibaud, directeur de la Société Générale, 62 La Canebière.
Mr. Eugène Charles Flochel, directeur du Crédit Commercial de France, II, Rue Saint Ferréol.
Mr. Raymond Schwartz, directeur de la Banque des Pays de l'Europe Centrale, Rue Roux de Brignoles 14.

Mr. Raymond Aubrac, commissaire régional, a chargé M. Gallu, procureur général à Aix, de s'occuper de ces affaires et d'ouvrir une information sur la culpabilité de toutes les personnes incriminées.

On nous informe que M. Gallu ayant trouvé sa mission très délicate, aurait demandé des instructions à Mr. le Garde des Sceaux. Nous ne connaissons pas encore la réponse de ce dernier.

Dans notre prochain numéro, nous ferons part à nos lecteurs des renseignements que nous aurons pu recueillir.

53.

EXTRAIT DU JOURNAL "COMBAT" DU 4 JANVIER 1945.

SIX BANQUES MARSEILLAISES AVAIENT LIVRE DE L'OR ET DES DEVISES A L'ENNEMI EN AOUT 1944.

L'ouverture d'une information pour intelligences avec l'ennemi est demandée contre leurs dirigeants.

Marseille 3 Janvier.

M. Dubost, commissaire du gouvernement près la Cour de Justice des Bouches du Rhône, a été saisi d'un rapport contre les directeurs ou fondés de pouvoirs de six banques qui ont livré aux Allemands, à Marseille, les 18 et 19 Août dernier, de l'or et des devises. Ce rapport demande l'ouverture d'une information pour intelligences avec l'ennemi.

Il y est notamment signalé que ces banquiers auraient pu, par leur initiative personnelle, se soustraire aux ordres du "Devisenschutzkommando" organisme allemand créé pour rechercher, dans les coffres loués par les clients des banques, l'or et les devises étrangères.

Il leur aurait suffi, constate le rapport, de diriger les effractions sur les coffres non loués et vides après avoir refait les cartes de signatures. Une vérification approfondie, par l'organisme allemand, des coffres loués dans toutes les banques n'aurait pu alors être menée à bien, la fermeture des banques ayant eu lieu le 21 Août par suite du déclenchement rapide des opérations qui ont abouti à la libération.

Le dossier a été transmis du commissaire régional au procureur général à Aix qui en a référé au ministre.

René DELZANGLES
Avocat à la Cour
14 Rue Pétrarque,
Paris XVIe.

Paris le 21 Décembre 1[illegible]

54

Monsieur le Garde des Sceaux,

J'ai l'honneur de vous exposer la requête suivante:

Suivant les instructions du Devisenschutzkommando transmises par l'Entente des Banquiers de Marseille, la succursale de la Barclays Bank dans cette ville fut contrainte de remettre dans un délai déterminé l'état des titulaires de coffres-forts de nationalité britannique américaine et autres considérées comme ennemies.

Cet ordre fut complété par celui de remettre la liste de toutes les personnes, quelle que soit leur nationalité, qui avaient quitté la France pour une destination inconnue, mais la Barclays ne fournit jamais cette liste, car elle considéra comme présents à Marseille tous les clients pour lesquels elle avait des ordres permanents de débiter leur compte des frais engagés par la banque.

Quant au premier état, ayant trait aux coffres-forts des sujets ennemis et qui comprenait deux noms, il fut remis le dernier jour du délai qui avait été imparti, soit le 10 Août 1944.

Le jeudi 17 Août 1944, dans l'après midi, deux officiers allemands se présentèrent à la banque et sommèrent le directeur, M. Brochier, de se préparer à l'effraction de ces coffres.

En effet, le 18 Août à 9 heures, les deux officiers allemands revinrent et firent fracturer les coffres par la maison Brune et Réserve mais en présence de Me. Bollé, huissier qui avait été convoqué par la Barclays Bank.

Monsieur Brochier, directeur, renouvela à cette occasion ses protestations, mais il n'en fut tenu aucun compte.

Or M. Brochier a été arrêté et est incarcéré depuis près de deux mois à la prison des Beaumettes.

Il résulte des renseignements pris, que cette incarcération a été provoquée par les faits ci-dessus relatés. Il serait fait à Mr. Brochier le double reproche d'avoir remis la liste des coffres-forts le 10 Août et de ne s'être point opposé à l'effraction le 18 Août, alors que les troupes alliées avaient débarquées en Provence le 15 Août.

En ce qui concerne le premier grief, il ne saurait être retenu contre M. Brochier, qui n'avait aucun moyen de s'opposer le 10 Août à la contrainte des allemands, qui a retardé la remise du renseignement jusqu'à l'extrême limite du délai imparti et qui, par un subterfuge courageux n'a pas livré la liste des clients de toute nationalité qui avaient quitté la France pour une destination inconnue.

En ce qui concerne le deuxième grief, le thème de l'accusation serait le suivant: il était, en principe, impossible de résister aux ordres des allemands en Juillet et encore jusqu'au 15 Août, jour de débarquement, mais à compter de cette dernière date les banquiers devaient s'opposer par tous moyens à l'effraction des coffres et ceux qui ne l'ont point fait,doivent être recherchés.

Une telle prétention parait insoutenable, car en fait, Marseille a été occupée par les Allemands jusqu'au 23 Août 1944 et la contrainte imposée aux banquiers, comme à toute la population marseillaise, était la même le 18 Août, que celle imposée avant le 15 Août.

J'ajoute que M. Brochier, ancien combattant de la Guerre 1914-1918, a été un résistant de toujours, qu'il a eu à la tête de sa banque une attitude courageuse et qu'il a sauvé de la confiscation allemande des avoirs qui lui avaient confiés.

Il peut à ce propos faire appel au témoignage du Lieutenant Jacquelin du Service de Sécurité de l'Armée, 16 Bd. Flandrin à Paris, et de Mr. Kahn, Directeur du Comité d'accueil aux Réfugié Israelites,

19 rue de Téhéran à Paris, dont vous trouverez ci-joint une lettre.

Le dossier de M. Brochier ayant été transmis par le Commissariat de la République de Marseille à la Chancellerie pour examen et décision.

J'ai l'honneur, Monsieur le Garde des Sceaux, de solliciter de votre justice la relaxe immédiate de M. Brochier.

Je vous prie, d'agréer, Monsieur le Garde des Sceaux, l'assurance de mes sentiments respectueusement dévoués.

56.

COMITE D'ASSISTANCE AUX
REFUGIES C A R.

DIRECTION CENTRALE
RG/MB

19, rue de Téhéran;
PARIS, le 18 Décembre 1944.

Monsieur Marcel CHERADAME,
Directeur Général
de la Barclays Bank Ltd.,
33 rue du 4 Septembre, PARIS.

Monsieur le Directeur Général,

Nous avons appris fortuitement que M. BROCHIER, Directeur de votre Succursale de Marseille, que nous avons bien connu, avait été récemment appréhendé à Marseille pour des raisons dont nous ignorons d'ailleurs la teneur exacte.

Nous considérons de notre devoir, ayant particulièrement souffert aux cours de ces années d'occupation nazie, aussi bien de faire poursuivre impitoyablement l'oeuvre salutaire d'épuration que de témoigner chaque fois que nous en aurons l'occasion, en faveur de ceux qui nous ont aidés dans des circonstances difficiles.

Nous tenons spontanément à déclarer en faveur de M. BROCHIER, qu'ayent confié les fonds des Oeuvres Juives et plus particulièrement ceux du C.A.R. à la Barclays Bank, lors du repliement de ces Oeuvres à Marseille fin 1940, nous avons rencontré chez M. BROCHIER beaucoup de dévouement et de compréhension, plus spécialement, Mr. BROCHIER s'est mis constamment à notre disposition pour nous faire connaitre suffisamment à l'avance, toutes les mesures qui pourraient frapper nos fonds et paralyser ainsi notre activité en faveur de nos coréligionnaires malheureux et qu'il avait même mis sur pied un dispositif qui, en cas de mesure subite, permettrait de considérer les fonds déposés comme retirés, avant que quelque mesure de blocage ne puisse les frapper.

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Il vous appartiendra de faire de la présente te[illegible] usage qui vous paraitre nécessaire.

Veuillez croire, Monsieur le Directeur Général, à l'assurance de nos sentiments distingués.

Le Directeur

(Signé) GASTON KAHN.

13

58.

Z

1945

FRANCE

Z 2056

13 FEB 1945

Registry Number } Z 2056/255/17

FROM Monsieur L. Thémoin, Compagnie Maritime de Suez, to Mr. P.S. Scrivener.

No. LT/GB

Dated 8th February, 1945

Received in Registry 13th February, 1945.

Z: France

Arrest of Directors of Air France: MM. Bonnet and Homolle.

Encloses copy of a Memorandum transmitted by Monsieur Georges Picot recapitulating the circumstances leading to the arrest of MM. Georges Bonnet and Michel Homolle, with other directors of "Air-France", on a charge of treason, the injustice of which Monsieur Picot emphasizes.

Last Paper.

Z1884

References.

J4260/10/16 : 1944
Z8098/3794/17: 1944

(Print.)

(How disposed of.)

Off/ Mr. Young, T.y
from Mr. Scrivener
March 14

(Minutes.)

I regret I have not been able to find the time to read this apologia. The French authrs. will doubtless get it all sorted out in time.

F.D. 4/3

Egyptian Dept.

Could this please be shown to Mr. Beckett, who is interested?

CP. 5/3.

Mr Beckett.

The defence against the allegations as regards his France seems fairly good. It is however for the French Govt to say

Compare 7-8-9 where are some passages which are very interesting from

27437 F.O.P.

(Action completed.) 21/3

(Index.) 11/3/45

Next Paper.

Z 2058

F. 2058

59

another proof of news & we should note them carefully. But as Directors of the Suez Canal should do so too

The French say (says M. Pichon) only as much as is to Canal because England agrees that it should. It is only English courtesy which leaves France so great a majority on the board etc.

W. Bapaldt 9/3

This paper is really not F.O. at all.

Please draft to Mr. Young saying that we have noted these passages & assume that the Directors have done likewise

J. 10/3.

Draft attached
H.P.B. 10/3

H.S. 20/3

1) Mr. N. Young. To be Screened, Sanders

Mr. Beckett
(on 31/4) J. 28/3.

60

COMPAGNIE UNIVERSELLE
DU
CANAL MARITIME DE SUEZ

6, Bishopsgate, London, E.C.2.

TELEPH. : ✱ AVENUE 3344
AVENUE 1439
TELEG. : SUCANAL, LONDON

LT/GB

8th February 1945.

encl 2
pres 10/2

P. S. Scrivener, Esq., C.M.G.,
Egyptian Department,
Foreign Office,
Whitehall, S.W.1.

Western (French) Dept.

Dear Mr. Scrivener,

I enclose herewith copy of a memorandum handed to me by Mr. Georges Picot regarding Messrs. George Edgar-Bonnet and Homolle.

Yours sincerely,

Z 2056
13 FEB 1945

Enc. 1

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COPIE JP

Janvier 1945.

N O T E

C'est le 23 novembre 1944 que MM. George BONNET et Michel HOMOLLE ont été incarcérés avec d'autres Administrateurs d'Air France, sur l'ordre du Ministre de l'Air, sous l'inculpation de haute trahison.

Un communiqué officiel du Ministère de l'Air, adressé à la Presse, indiquait que, par un contrat du 1er février 1943 approuvé par le Conseil d'Administration le 15 janvier 1943, la Cie AIR FRANCE avait livré à l'ennemi, en pleine guerre, 8 trimoteurs Dewoitine 338, 11 bimoteurs Bloch 220, 74 moteurs Hispano 9 V, 22 moteurs Cnome et Rhône 14 N ; que, d'autre part, le Centre d'AIR FRANCE de Toulouse avait livré 27 Caudron C 445, 13 Bloch 210, 10 Bloch 220, 10 Farman 470, 1 Amiot 470, 1 Léo 45, et qu'ainsi plus de 80 appareils français avaient été livrés à l'ennemi. Le Ministre ajoutait : "Il ne s'agit donc pas là de commerce mais bien de trahison caractérisée", et il terminait son avis officiel en déclarant qu' "une poignée de misérables venait " en aide à l'ennemi en lui livrant le matériel de transport français " avec du personnel. Encore une fois, il s'agit bien de trahison."

Il est nécessaire de souligner que la Justice Militaire, saisie par le Ministre de l'Air de cette inculpation de trahison s'est immédiatement dessaisie au profit de la Cour de Justice, et que le Juge d'Instruction qui a instruit l'affaire, examiné le dossier et interrogé les deux prévenus, a immédiatement rendu en leur faveur une ordonnance de mise en liberté provisoire, sur les conclusions conformes du Commissaire du Gouvernement.

La mesure qu'il a prise s'explique par ce fait que le communiqué officiel est un tissu d'inexactitudes graves.

La vérité est que l'Armée ennemie ayant envahi la zone Sud en novembre 1942 a pris possession de tous les aérodromes d'AIR FRANCE et de tout le matériel qui s'y trouvait : celui qui appartenait en propre à AIR FRANCE, celui qui lui était confié en gérance par l'Etat Français et celui qui, appartenant à l'Etat Français, se trouvait alors sur les aérodromes d'AIR FRANCE. Tous ces appareils ont été gardés militairement et l'intention de l'Armée Allemande de conserver tous ces appareils fut notifiée à la Cie AIR FRANCE.

Cependant, la Cie Allemande DEUTSCHE LUFTHANSA (qui sera appelée D.L.H.) fit alors connaître à AIR FRANCE qu'elle était prête à acheter ou louer ce matériel, qui sans cela serait inévitablement pris ou réquisitionné par l'Armée Allemande, ce qui entraînerait la fermeture des ateliers d'AIR FRANCE et automatiquement le départ de son personnel pour l'Allemagne.

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Le Président de la Cie AIR FRANCE, ayant refusé tout net d'envisager la vente d'une partie quelconque du matériel de la Compagnie, transmit au Secrétaire d'Etat à l'Aviation les propositions de location de la D.L.H. Il le fit par une lettre du 6 janvier 1943 qui précisait qu'il s'agissait là "d'une question de principe qui est une question de Gouvernement". Il ajoutait : "qu'au cas où le Secrétaire d'Etat lui donnerait l'ordre d'accepter "l'utilisation temporaire d'une partie du matériel d'Air France par la D.L.H.", il soumettrait diverses modalités qui lui paraissaient propres à assurer la conservation du matériel et, par là, le potentiel de reprise d'AIR FRANCE.

Il joignait à sa lettre un procès-verbal de ses conversations avec la D.L.H. contenant les diverses modalités du contrat de location envisagé.

Par lettre du 9 janvier 1943, le Secrétaire d'Etat à l'Aviation donnait au Président d'AIR FRANCE instructions d'établir un contrat de location sur les bases projetées et lui enjoignait de le lui soumettre pour accord avant la signature définitive.

C'est dans l'état de ces faits que s'est réuni le Conseil d'Administration d'AIR FRANCE, le 15 janvier 1943, à Vichy.

MM. BONNET et HOMOLLE, Venant de Paris, ignoraient jusqu'alors la situation.

Celle-ci fut portée à la connaissance du Conseil par un bref énoncé de fait qui se terminait ainsi : "En cette matière, le souci essentiel d'AIR FRANCE est "de garder à l'aviation commerciale française les éléments nécessaires pour lui per-"mettre de reprendre après les hostilités l'activité que celles-ci ont interrompue."

Aucune décision ni aucune approbation ne furent demandées au Conseil. On verra plus loin pourquoi il n'en pouvait être autrement.

Par lettre du 1er février 1943, le Président d'AIR FRANCE adressait au Secrétaire d'Etat à l'Aviation le projet de contrat établi sur ses ordres, daté du 1er février, paraphé par la D.L.H. et le Général PUJO, sous réserve de l'Accord du Gouvernement Français.

Par lettre du 11 février 1943, le Secrétaire d'Etat à l'Aviation répondait qu'il était d'accord et autorisait à traiter sur les bases prévues.

C'est alors qu'une seconde réunion du Conseil d'Administration d'AIR FRANCE fut tenue à VICHY, le 19 février 1943, et que le Président mit le Conseil au courant des événements et d'un contrat paraphé suivant les ordres du Gouvernement. Il précisa que, si AIR FRANCE avait opposé un refus pur et simple, la Compagnie aurait subi une réquisition qui lui aurait ôté tout espoir de récupérer ce matériel.

M. George BONNET exprima alors toute sa tristesse de voir enlever à la Compagnie la libre disposition des appareils et moteurs loués, mais reconnut qu'il y avait "des obligations imposées et des cas de force majeure devant "lesquels on était obligé de s'incliner. Mais il exprima le souhait que l'action "de la Compagnie s'efforce de rester toujours dans son cadre d'indépendance."

La Cie AIR FRANCE suivit fidèlement cette ligne de conduite.

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La notification de l'accord du Gouvernement Français ne fut faite aux Allemands par la Cie FRANCE que le 13 septembre 1943.

Le contrat de location ne visait que 8 trimoteurs Dewoitine et 11 bimoteurs Bloch, soit 19 appareils en tout.

Or, grâce aux efforts d'AIR FRANCE qui demanda et obtint de procéder à la révision des moteurs et à certaines transformations, grâce aux délais excessifs apportés à ces travaux, les Allemands ne purent disposer que de 4 Dewoitine et 7 Bloch, c'est-à-dire 11 appareils sur 19 visés au contrat, et non 80, comme le dit avec inexactitude le communiqué du Ministre de l'Air.

D'autre part, ce même communiqué affirme audacieusement que 74 moteurs Hispano ont été livrés à l'ennemi. C'est une contre-vérité flagrante : tous les moteurs non montés sur appareils ont été conservés en France et ont échappé à l'emprise de l'ennemi, grâce aux manoeuvres de la Cie AIR FRANCE, et le Ministre de l'Air peut d'autant moins l'ignorer qu'au jour même de la libération, 61 de ces moteurs ont pu être mis immédiatement à sa disposition et qu'il en a pris charge.

Quant aux autres appareils que le communiqué du Ministère de l'Air prétend avoir été livrés par trahison par AIR FRANCE, en vertu du contrat de location, il s'agit de Bloch 220, de Bloch 210, Farman 47, qui n'ont jamais appartenu à AIR FRANCE. Ils n'ont jamais été livrés par AIR FRANCE, mais ont été saisis par l'Armée Allemande sur les aérodromes de la zone Sud.

Enfin, AIR FRANCE avait en gérance 44 Caudron C 445 appartenant à l'Etat. Ils ont été saisis par l'Armée Allemande, comme tous les appareils non loués à la D.L.H.

Cependant, AIR FRANCE a pu faire admettre par les Allemands qu'ils avaient besoin d'une révision, et, grâce à cette manoeuvre, seuls, 21 Caudron C 445 ont été enlevés par l'ennemi, sur 44.

Tel est le résultat précis du contrat de location attaqué.

Il a permis de conserver 8 appareils sur 19 et presque tous les moteurs (Hispano et Gnome et Rhône).

Au contraire, les appareils qui n'ont pas fait l'objet de contrat ont tous été saisis, et, seuls, ceux qu'AIR FRANCE a réussi à immobiliser ont pu être soustraits au départ pour l'Allemagne.

Voilà les faits. La vérité est donc bien différente des affirmations controuvées du Ministère de l'Air.

Il est aussi nécessaire de rétablir la vérité en ce qui concerne les effets de ce contrat de location sur le sort des Agents d'AIR FRANCE.

Le Ministre relève comme acte de trahison le fait que, dans le compte-rendu des conversations des 4 et 5 janvier 1943 entre le Général PUJO et le Directeur de la D.L.H., il avait été envisagé au paragraphe 5° que des équipages français, mécaniciens de bord et pilotes, seraient embarqués sur les appareils loués, sous

les ordres d'un chef de bord désigné par la D.L.H.

Ceci représentait dans l'esprit du Président d'AIR FRANCE des possibilités malheureusement si évidentes que l'Etat-Major Allemand a refusé d'accepter cette disposition.

En ce qui concerne maintenant l'incidence du contrat sur l'envoi du personnel d'AIR FRANCE en Allemagne : la D.L.H. avait demandé, lors de l'enlèvement des premiers appareils, un contingent de 120 agents; AIR FRANCE fit traîner les pourparlers et souleva de telles difficultés que 34 agents seulement allèrent, au total, en Allemagne pour la D.L.H. Sur ces 34 agents, 13 ont fait un bref déplacement et sont revenus immédiatement, 14 se sont proposés parce qu'ils tombaient sous le coup du S.T.O., et 7 se sont déclarés volontaires. Tous sont rentrés en France sauf 4 volontaires qui n'ont pas voulu profiter des possibilités de retour qui leur avaient été données.

Ainsi, sur un personnel de 1.650 agents, dont un millier de techniciens spécialistes des catégories les plus recherchées par les Allemands, il n'y avait, au jour de la libération, en dehors de 8 volontaires, que 12 agents d'Air France en Allemagne, et ces 12 agents avaient été requis, en dehors de l'entreprise par l'action directe du S.T.O. ou de la Relève.

Quelle est l'entreprise industrielle française qui peut se vanter de pareils résultats?

Ce rappel des faits exacts de la cause étant ainsi achevé, il y a lieu de se demander immédiatement si la négociation et la conclusion de ce contrat peuvent paraître répréhensibles à toute personne sensée et de bonne foi, à tout Français ardemment patriote.

La Conclusion de ce contrat de location était le seul moyen d'éviter le pire, c'est-à-dire la saisie pure et simple et définitive des appareils et des moteurs d'AIR FRANCE et la déportation massive de son personnel.

Si le contrat n'avait pas été passé, la saisie militaire de novembre 1942 était maintenue, et la France perdait à tout jamais ce matériel d'aviation, comme il est advenu des appareils de l'Etat Français saisis sur les aérodromes en novembre 1942.

Un bon Français devait tout faire pour éviter cette catastrophe.

C'est l'intention de soustraire à l'Allemagne tout ce qui serait possible de ce matériel qui a fait approuver les ordres reçus du Secrétariat à l'Aviation de passer ce contrat de location.

Dira-t-on qu'il valait mieux tout perdre et tout abandonner plutôt que de signer un contrat de location ? Cette question concerne le Secrétaire d'Etat à l'Aviation et le Président de la Cie AIR FRANCE, et non les Administrateurs. Au surplus, c'est une vue si outrancière et si excessive qu'il n'est pas besoin de s'y attarder.

L'immense majorité des Français restés en France au dur contact des réalités et de l'ennemi ont lutté pendant quatre ans pour sauver tout ce qu'il était possible

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de sauver : hommes et matériel ; ils ont tout fait pour limiter les déprédations allemandes. Ils ont agi en bons Français. Leur intention a été pure de toute compromission, et les résultats qu'ils ont obtenus sont tangibles.

Par conséquent, aucune critique ne peut leur être adressée, et si c'était à refaire, en leur âme et conscience, ils referaient la même chose pour le bien de la Patrie.

III

Mais, ayant ainsi dit leur sentiment sur la nécessité de ce contrat de 1943, MM. George BONNET et Michel HOMOLLE entendent dire à la Cour qu'ils ne sont pas les auteurs du contrat et qu'ils ne l'ont pas conclu. Ils ne le pouvaient juridiquement pas.

La Cour sait, en effet, que, depuis 1940, dans les sociétés anonymes, tout pouvoir de direction appartenait au Président-Directeur Général.

En conséquence, si la Société AIR FRANCE était une société anonyme de droit commun, les Administrateurs ne pourraient être recherchés au sujet d'un contrat de location de cette nature qu'ils n'avaient aucun pouvoir de droit de conclure.

Mais il y a lieu d'ajouter ici deux considérations capitales au point de vue juridique :

Tout d'abord, la Société AIR FRANCE est une société de structure particulière sous le contrôle étroit de l'Etat qui possède 25 % de son capital et dont le Président est, depuis le décret du 6 mai 1939, nommé par le Gouvernement.

D'autre part, en septembre 1939, les Services de la Cie AIR FRANCE ont été réquisitionnés dans leur ensemble par l'Etat. La subordination de la Société à l'Etat, déjà grande en temps normal, devient donc totale. Seul, l'Etat pouvait commander. Il assumait en conséquence les responsabilités de ses ordres donnés au Président-Directeur Général et que les Administrateurs ne pouvaient ni discuter ni éluder.

C'est ainsi que la correspondance déjà analysée, échangée en janvier, février 1943 entre le Général PUJO et le Secrétaire d'Etat à l'Aviation, précise et démontre que le premier a sollicité des ordres et qu'il les a reçus et exécutés.

Quel est donc le rôle de décision qui reste dévolu au Conseil d'Administration dans la direction de cette Société réquisitionnée par l'Etat et contrôlée par lui ? Il est exactement nul.

En droit, le Conseil ne pouvait prendre aucune décision. En fait, il n'en a pris aucune.

Il a été mis au courant, le 15 janvier 1943, de ce qui était envisagé, mais personne ne lui a demandé ce jour-là ni autorisation, qu'il n'aurait pu donner, ni assentiment, ni approbation.

Puis, le 19 février, le Conseil a été mis au courant des ordres donnés par le Secrétaire d'Etat à l'Aviation au Président d'AIR FRANCE, alors que le contrat était paraphé et approuvé par le Gouvernement. Il y avait alors fait accompli.

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Que pouvait faire le Conseil?

Elever une protestation ? Donner sa démission ? Cela n'eût rien changé à la réalité des choses : le contrat passé sur les ordres du Ministère subsistait, intangible et parfait.

Mais, en outre, c'eût été une lâcheté facile pour les Administrateurs de garder un silence prudent, en laissant le Général PUJO tout seul devant l'ordre du Ministère, ou même en élevant une critique tacite en démissionnant!

MM. George BONNET et HOMOLLE ressentaient vivement l'amertume de la situation; ils ont dit leur tristesse; mais ils ont pensé que le Général PUJO faisait son devoir de bon patriote en exécutant les ordres reçus, et ils l'ont dit aussi avec courage. Ils ne sont pas de ceux qui sacrifient des réalités utiles au bien du Pays à des attitudes faciles.

Ce qu'on leur reproche, c'est d'avoir donné leur approbation théorique à ce qu'avait fait le Président d'AIR FRANCE, en exécutant les ordres du Gouvernement.

S'ils ont donné cette approbation, c'est qu'en conscience, ils ont passé que c'était leur devoir de Français.

C'est le même sentiment qui a maintenu à leur poste tous les Français qui ont continué à travailler, à cultiver, à produire, à rendre la Justice, malgré la présence de l'ennemi et celle du Gouvernement de Vichy, pour limiter l'étendue des maux dont souffrait leur Patrie.

Ils ont fait leur devoir et en sont fiers.

Ce reproche est si évidemment mal fondé que le Ministre de l'Air a cru en devoir formuler deux autres dans une note déposée à l'Instruction, le 19 décembre 1944. Le Ministre déclare qu'il y avait deux solutions qui s'imposaient aux Administrateurs d'AIR FRANCE :

1° - envoyer le matériel volant de la Compagnie en Afrique de Nord,

2° - ou le saborder.

Monsieur le Ministre de l'Air oublie seulement que l'Armée Allemande a envahi la zone Sud le 8 novembre 1942 et occupé immédiatement les aérodromes et fait gardiennner par ses troupes les appareils qui s'y trouvaient.

Que pouvaient donc faire MM. George BONNET et HOMOLLE qui sont alors à Paris ? Comment pouvaient-ils faire envoler de Marignane et autres aéroports occupés par l'ennemi les appareils d'AIR FRANCE ? Comment pouvaient-ils les faire saborder ? Comment auraient-ils pu communiquer de Paris avec ces aérodromes ? Comment auraient-ils pu le faire même avant le 8 novembre 1942 ?

Ils ne pouvaient donner aucuns ordres et n'en avaient pas le pouvoir, ni en droit, ni en fait.

On reste confondu devant de semblables accusations, aussi dénuées de sens et de fondement.

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IV

Il faut encore préciser devant la Cour la situation personnelle de MM. George BONNET et Michel HOMOLLE.

Quel serait donc le motif qui aurait pu les conduire à ce crime de haute trahison ou de commerce avec l'ennemi ?

Que intérêt puissant aurait entrainé ces deux hommes à se déhonorer ?

S'ils siègent au Conseil d'AIR FRANCE, c'est comme représentants de la Compagnie du CANAL DE SUEZ appelée à participer à la constitution du capital de cette Compagnie. Cette participation de la Cie du Canal de Suez n'a été consentie que pour des buts d'intérêt national, et non pour des buts d'intérêt financier.

MM. BONNET et HOMOLLE touchaient à AIR FRANCE pour unique rémunération une somme qui, annuellement, ne dépassait pas 2.000 francs.

La signature du contrat D.L.H. ne pouvait influer d'aucune façon sur cette infime rémunération.

Leur présence au Conseil d'AIR FRANCE n'apportait à MM. BONNET et HOMOLLE aucuns avantages financiers ni autres.

AIR FRANCE n'était pour eux qu'une activité tout à fait secondaire.

Leurs vies entières, leurs énergies, leurs capacités de travail sont dévouées à la Cie de SUEZ dont ils occupent les deux postes de direction les plus importants

La Cie du Canal de Suez est, on le sait, une Société de droit égyptien, bénéficiaire d'une concession du Gouvernement Egyptien.

D'autre part, depuis 70 ans environ, l'Angleterre détient 44 % du capital de la Compagnie. L'Angleterre est donc, en fait, majoritaire, et elle controle le Suez.

Cependant, par courtoisie, l'Angleterre a laissé à la France la majorité des sièges au Conseil d'Administration, la Présidence, la Direction et l'Administration; elle a admis également que le personnel de la Compagnie reste français.

Mais la France ne conserve ces avantages précieux pour son prestige en Orient et dans le Monde et pour son économie nationale, qu'avec l'assentiment de l'Angleterre.

La victoire allemande et italienne aurait eu pour résultat inéluctable l'élimination totale de l'Angleterre et de la France du Canal de Suez. Trahir la France et la cause des Alliés eut été pour MM. George BONNET et HOMOLLE pure démence, c'eût été un véritable suicide.

Quelle explication alors donner à cette trahison insane?

La Presse inspirée n'a trouvé qu'une explication : "Les hommes des Trusts " ont trahi... L'aviation tout court doit être au service de la Nation."

L'odieux et le ridicule de cette littérature doit être souligné. C'est avec elle que l'on espère ameuter l'opinion française.

Le Gouvernement a sollicité les capitaux de la Cie du Suez dans l'intérêt national, pour la création d'AIR FRANCE, mais c'est le Gouvernement qui, seul, dirige et contrôle la Société AIR FRANCE par son Président nommé par décret, par ses contrôleurs nommés par les Ministres de l'Air et des Finances et le Directeur de l'Aéronautique Civile qui siègent au Conseil.

Les "Trusts" ont donné leurs capitaux pour une oeuvre d'intérêt national. Ils n'ont reçu ni direction de l'entreprise, ni avantages financiers, ni prébende, ni influence.

Il faut donc écarter ce mauvais prétexte et regretter ces haineuses attaques si souvent condamnées dans tous les discours du Chef du Gouvernement Provisoire de la République.

Faut-il alors penser que MM. George BONNET et Michel HOMOLLE ont trahi parce que leurs sentiments personnels étaient pro-allemands ?

Sur ce point, aucune allégation quelconque dans le dossier.

MM. BONNET et HOMOLLE sont d'ardents patriotes. Ils ont, dès juin 1940, cru de toutes leurs forces à la victoire alliée.

Ils n'ont jamais varié dans leurs convictions patriotiques et anglophiles. Tous ceux qui les connaissaient pourraient en témoigner, et ils sont légion.

Ils ont, sur le plan pratique, poursuivi pendant toute la Guerre leurs efforts pour soustraire la Cie du Suez à la mainmise allemande.

M. George BONNET a réussi à faire passer à Londres aux Administrateurs anglais qui s'y trouvaient les pouvoirs nécessaires pour assurer la direction et faire échapper les Services de la Compagnie en Egypte à tout contrôle allemand.

La Cie du Suez avait été classée par les Allemands parmi les entreprises "ennemies" soumises à leur contrôle. Dans le but de soustraire l'actif de la Compagnie aux confiscations allemandes, M. George BONNET put enlever personnellement des sommes considérables - espèces et titres - qu'il déposa à Chatel-Guyon, en zone Sud, au moment de l'Armistice. Puis, redoutant l'éventualité d'une occupation totale, il fit passer plus de 200 millions à Alger. Lorsque les Allemands l'apprirent, M. BONNET fut menacé de graves sanctions. Il refusa cependant avec énergie de fournir aux Allemands, qui les exigeaient, les noms des agents d'exécution qui avaient assuré le transfert des fonds à Alger; il refusa de cesser le paiement en France des délégations pensions, secours, etc. aux familles des agents restés en Egypte.

Sur la question de réquisition de main-d'oeuvre des agents de la Cie du Suez, la lutte fut plus dure encore. De septembre 1942 à mars 1944, la Compagnie

reçut six mises en demeure d'avoir à fournir l'état de son personnel pour les envois de main-d'oeuvre en Allemagne. MM. BONNET et HOMOLLE refusèrent formellement de les fournir, et un seul agent fut envoyé en Allemagne, tous les autres restèrent en France.

Bien entendu, des secours importants furent versés pendant toute la durée de l'occupation aux familles des agents d'Egypte qui servaient dans les forces militaires de la France Combattante.

Il en fut de même pour les familles de ceux qui, en France, avaient rejoint les Forces Françaises de l'Intérieur, et ceux qui avaient été arrêtés par la Gestapo.

Ce faisant, MM. BONNET et HOMOLLE ont suivi leurs sentiments français et gaullistes de la première heure. S'ils n'ont pas pris le maquis, c'est que leur âge ne le leur permettait pas et que leur devoir leur commandait de rester à leur poste pour y protéger les puissants intérêts qui leur étaient confiés et tout leur personnel.

Il eût été pour eux beaucoup plus facile de gagner Alger et d'y attendre, en sécurité, la fin de l'occupation, en abandonnant leur personnel, au lieu de rester à Paris pour le défendre au risque de leur liberté personnelle, maintes fois menacés par les Allemands.

Comment donc soutenir avec sérieux que M. George BONNET et M. HOMOLLE sont des traitres, qu'ils ont pactisé avec l'ennemi, alors que leurs sentiments, leur conduite, leurs intérêts; ceux de leur Entreprise, tout les classait nécessairement dans les rangs des Français les plus purs de toute compromission avec l'ennemi.

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• •

Il est inutile d'ajouter que l'arrestation de M. Georges BONNET et de M. Michel HOMOLLE peut avoir les conséquences les plus graves au point de vue national.

La Cour sait déjà la position de la Cie du Canal de Suez vis-à-vis de l'Angleterre et de l'Etat Egyptien.

Depuis 70 ans, par courtoisie, l'Angleterre a consenti à laisser l'administration et la direction de la Compagnie à la France. On réalise aisément ce que représente ce fait au point de vue de l'intéret national, non seulement au point de vue financier, mais au point de vue de rayonnement et de l'influence française en Orient et dans le Monde.

A-t-on réalisé la portée des mesures prises contre les deux plus hauts fonctionnaires de la Compagnie de Suez, leur incarcération et une campagne de presse violente et officielle du Ministère de l'Air affirmant leur trahison?

Mais ces considérations n'ont peut-être aucune portée sur ceux qui n'hésitent pas à prendre les lieu et place de la Justice et à proclamer "ex cathedra" la culpabilité de citoyens qui ne sont cependant pas justiciables d'un Ministre mais des Tribunaux de leur Pays.

70.

Or, dès qu'un Juge d'Instruction indépendant et courageux a pu se pencher sur le dossier, avec sérénité, faisant abstraction de la fureur partisane de la Presse, il a rendu une ordonnance de mise en liberté provisoire :

Parce qu'il a été convaincu de l'inanité de la poursuite,

Parce qu'il a eu la certitude que la maintien en prison préventive de M. BONNET et de M. HOMOLLE ne peut aider à la manifestation de la vérité ni entraver la marche de l'Instruction,

Parce qu'il ne peut redouter que MM. BONNET et HOMOLLE cherchent à se soustraire à ses convocations.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z 2056/285/17

OUT FILE

Draft

Mr Norman Young

Trsy.

from P

Mr Scrivener.

10th Mar 1945

My dear Young

We have received from Thimon a copy of the memorandum handed to him by M. Georges Picot regarding M. Georges Edgar-Bonnet and Homolle.

We have noted with interest, inter alia the passages on pp. 7, 8 & 9 where it is stated that the French Co. only administers the canal because England agrees that it should, and that it is only English courtesy which leaves France so great a majority on the Board.

I assume that the Directors have also noted these passages. You is sacrée

Egyptian Dept

Sgd/ H. L. Scrivener Price

for Mr Scrivener.

pp. 1/3

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OUT FILE

FOREIGN OFFICE,
S.W.1.

(Z 2056/255/17) 14th March, 1945.

My dear Young.

We have received from Thémoin a copy of the memorandum handed to him by M. Georges Picot regarding MM Georges Edgar-Bonnet and Hemblle.

We have noted with interest, as doubtless have you and your colleagues, the passages on pages 7, 8 and 9 where it is stated inter alia that the French Company only administers the canal because England agrees that it should, and that it is only English courtesy which leaves France so great a majority on the Board.

Yours sincerely,
D.V. Cornely Pairie
for (P. Scrivener)

N.E. Young, Esq., M.C.,
Treasury.

p/p/p Defence of M.P. Edgar Bonnet v Homolle. 73.

Your Reference.....

Treasury Reference.....

INDEXED

JZ 2038/255/17

TREASURY CHAMBERS,
GREAT GEORGE STREET,
LONDON, S.W.1.

20th March, 1945.

21 MAR 1945

Dear Scrivener,

Many thanks for your letter of the 14th March.

I had indeed noticed the passages to which you refer; but I fear that the French Directors would not hesitate to admit that they were special pleading for a particular purpose, and did not represent their real opinion.

Yours ever,

Rugg.

Ian Beckett
On 4th April

P.S. Scrivener, Esq.,
Foreign Office.

14

1945

Z

FRANCE

74

Z 2058

13 FEB 1945

Registry Number Z 2058/255/17

FROM "Manchester Guardian" (extracts)

No. ----

Dated 5th and 6th Feb, 1945.

Received in Registry 13th Feb, 1945.

Z: France

French treason trials and their effect on French judicial machinery.

Text of two articles by Mr. Gillie, Paris Corespondent of the "Manchester Guardian" contrasting the English and French systems of justice, and the effect on French judicial administration of the treason trials.

Last Paper.

Z2056

References.

(Print.)

(How disposed of.)

(Action completed.)

5/3

(Index.)

12/12/46

Next Paper.

Z2152/5

(Minutes.)

Other pp. in FO 371

H.J.S. 4/3

27437 F.O.P.

Minutes.

Extract from "Manchester Guardian",
5th February, 1945.

7.2058

FRENCH JUSTICE

I—Contrasts with English System

From our Paris Correspondent

Few subjects have been so lengthily treated in the French press in recent months as the problems of the administration of justice. The French people feel deeply on all questions of justice, but their reactions are very different from those of Englishmen. Anyone who read through the articles which have appeared in the hope of learning something about the workings of the French judicial system would be disappointed. He would learn almost nothing, for the articles are the work of moralists, not of jurists.

This, if he is a student of the national variants of the detective novel, should not surprise him. During the occupation M. Simenon has revived Inspector Maigret with much more success than Conan Doyle achieved when he brought Sherlock Holmes back to life. But anyone who reads "Les Nouvelles Enquêtes de Maigret," which have just been published, will search in vain for any indication that Maigret's arrests were followed by trials or that his activities are regulated by any "judge's rules."

NOTORIOUS DEFENDANTS

It is indeed surprising to find serious newspapers discussing with passion the outcome of a trial when they are ignorant of the indictment, the defence, and the evidence. It should, however, be remembered that the conduct of the men now passing before French tribunals has been notorious for years. Not very long ago it was seriously suggested in England that a man prominent in public life could not be tried because no jury could be found which would not have preconceived notions about the accused. Such a system of justice would certainly be considered by any liberated country dealing with men who directly or indirectly had been the auxiliaries of the Gestapo as a criminal absurdity. English critics should therefore walk warily.

In considering the very grave problem with which the French are faced certain points should be kept in mind. First of all, that a certain number of Frenchmen have for varying motives, not always for base motives, collaborated with a foreign Power which has murdered, tortured, and deported a very large number of French citizens. The greater part of the leading collaborators are in Germany. A number of their lieutenants or accomplices are difficult to catch in the mesh of law. The rank and file of the collaborators—the men who actually arrested, beat, killed, wrote articles in the newspapers, and spoke on the radio—are being rounded up, tried generally for treason, and shot or condemned to long sentences. When boys of eighteen and nineteen are being condemned for abominable crimes it is natural that the public should demand that those who gave them moral countenance—directly or indirectly—should also be tried and condemned.

The French judicial system differs fundamentally from ours in two respects. It is highly decentralised in the interest of cheapness and ease of access. There is a professional magistracy, including all judges and all prosecutors, which means that a man making law his career chooses whether to become, on the one hand, a solicitor or barrister or, on the other, a judge. The judicial career includes that of Public Prosecutor, who, as a magistrate, does not appear in court simply as a lawyer with a brief. If his conscience and judgment so direct him he may demand an acquittal.

The extreme decentralisation of French justice means that even in ordinary times the right of appeal plays much less part than in England, and that at all events appeals to Paris are only on points of law. For those reasons there is no official shorthand record of a trial. There is also no possibility of orchestrating the interpretation of the law throughout France through the decision of the senior judges of the land. Finally, the magisterial status of the "Ministère Public"—that is, those magistrates with a prosecuting function—makes it impossible for anyone with a function like that of the English Attorney General to give uniformity to the criterions adopted for indictment. There is, in fact, no one in France who corresponds either to the Lord Chancellor or to the Attorney General. The Minister of Justice is not either an advocate or a judge but the man responsible for administrating and, by due form of law, modifying the judicial machine. He is also responsible for moving from post to post—with numerous safeguards—the three thousand magistrates of France.

LOW SALARIES

These magistrates are expected to have superhuman qualities. Ill-paid—the highest until the recent increase in salaries received less than a county court judge,—their reward has been in the past a high social standing. They have usually been men with some private means who married wives with private means. It is not unusual that the career is followed from father to son and that the ancestor of a modern judge may be a man who under the ancien régime bought his magistracy from the King as English officers used to buy their commissions. They have a high standard of self-respect and integrity, sustained by a social position which the Republic has not created but has found it convenient to take for granted. The Republic has therefore no right to complain if the sympathies of many magistrates are conservative.

French magistrates do not usually seek publicity, because they are not allowed to reply to attacks. They are not defended by any effective law of contempt of court, but only by the facts that in normal times there are at least three judges in any court and that they reach their decision behind closed doors and make it public, with detailed justification, as a body. The decision of each judge is therefore anonymous. No attempt has ever been made to make their functions, their reactions, or their reasons comprehensible or sympathetic to the general public.

NOTHING TO BE WRITTEN IN THIS MARGIN

Mr. Gillies continues to furnish this paper with just the sort of despatches that we should like to get (but do not) from the Embassy. These few are well worth reading.

R.H. Speaight
8/2

Yes, very interesting.

Attlee.
8.2.

Att.
9/2

Minutes.

Extract from "Manchester Guardian",
6th February, 1945.

NOTHING TO BE WRITTEN IN THIS MARGIN.

FRENCH JUSTICE

II—Impact of the Treason Trials

From our Paris Correspondent

The problem that faced the French Minister of Justice in liberated France was to establish a system by which the men and women accused of treachery during the last four years could be tried speedily in a manner that would give reasonable satisfaction to the popular demand for justice and at the same time would provide guarantees against mere mob passion.

It should be stated at once that there can be no question of finding completely unprejudiced juries in France, since the conduct of the accused has been notorious for years. With the exception of obscure informers they are all men who have ruled the roast locally or nationally, either as public servants or as journalists or as leaders of a variety of organisations. It is inevitable that everyone, including the jurors, should have a strong preconceived opinion about their actions. Any attempt to remove the accused from the places where they were known for trial elsewhere would only create the impression that the authorities were trying to get a guilty man off.

The French Government decided not to introduce retroactive legislation but to try the accused under the clauses of the criminal code concerned with treason and intelligence with the enemy in time of war. These had been revised in 1939 in terms which could apply to the situation provided it was taken for granted that only a peace treaty and not an armistice could put an end to a state of war. The articles in question could not give such full and clear guidance as would have been the case had those drafting them foreseen the totally unexpected situation of a de facto Government, with many marks of legitimacy, concluding an armistice, ruling for four years, and providing cover for men and women who were serving the interests of France's enemy.

SPECIAL CIVIL COURTS

Normally in war-time trials for treason are conducted in France by a military tribunal, unless the offences with which the accused are charged were carried out in the exercise of high political office, when the case goes before the High Court, which in the old days was the Senate.

It was decided that the solution of a military court must be excluded except for the actual period of fighting in any district, because the much-reduced French Army could not have spared sufficient officers of the necessary standing and character. The officers thrown up by the Maquis in the course of guerrilla fighting did not necessarily have any sort of training that would make them suitable for the purpose. Special civil courts were therefore created, one for each of the twenty-six judicial areas into which France is divided. In areas where there is pressure of business, and that is nearly all of them, the court can be subdivided into sections sitting concurrently. Both verdict and sentence are given by a regular magistrate sitting with four jurymen who if they outvote him overrule him.

The purpose was to combine judicial experience with popular opinion in the hope that the result would both be comprehended of the people and avoid flagrant injustice. The prosecutions are conducted in the normal way by magistrates of the "Ministère Public" under the direction in each area of a "Commissaire du Gouvernement," as would be the case if the trials came before a military court.

The trials before these courts are now being concluded at the rate of anything from thirty to ninety a day. Appeals are only allowed on points of law and to a local court. There is thus no central machinery for harmonising the sentences except by act of amnesty. Nor is it easy to imagine one which would not create a bottleneck. Eighteen thousand seven hundred cases now await trial, and a total of about fifty thousand is expected—apart from the trials of former members of the Vichy Government which have not yet begun.

The tragedy is that this machinery is not convincing the general public that justice is being done or that any particular system is being applied. The judgments of any one court—not to mention those of different courts—offer extraordinary contrasts. The typist secretary of one of the chief news commentators of the German-controlled Radio Paris has been condemned to life imprisonment, while M. Albertini, the right-hand man of Déat, has been condemned to five years. Meanwhile an officer with a fine resistance record who shot two prisoners condemned to death but amnestied, because he believed it would be a greater economy of blood than firing on a crowd which was howling for their lives, was condemned to seven years by a regular military court. The public fails to make a coherent picture of this. There is, further, the problem of numerous notorious collaborators still at liberty.

MAGISTRATES' WEAK POSITION

It is evident that the magistrate is often overruled by his jurymen, but it is he or the prosecutor who is publicly attacked in the local press. The magistrates' moral position is anyway weak, because like other public officials the great majority of them have sworn loyalty to Marshal Pétain. While there is general acceptance of the view that the oath was imposed in circumstances that make it not binding, it is more difficult to forget it in the case of a judge than of any other public servant, especially when there is still a mark on the wall above his head where the Marshal's portrait used to hang.

As to the juries, it can be said that they are sensitive to press attacks, for their sentences usually become more ferocious after complaints about leniency; that the amount of money earned by the accused increases comprehensibly the guilt they attribute to him; and that in the old unoccupied area where Pétainism was to begin with very strong, and resistance weak, sentences are more ferocious than in the old occupied area where resistance gained strength very early.

One proposal now strongly advocated is to try Marshal Pétain at once in his absence, so as to provide a framework of ideas for the prosecuting of smaller persons out of the definition which would inevitably emerge of the manner in which he betrayed his office. A high court has been set up to try him and his Ministers, formed from various categories of persons on lines very similar to the Consultative Assembly. Such a trial would certainly provide doctrinal clarity, but would not help much to provide a bridge between the French people and their magistrates. The curious inability of most French publicists—not to mention the vast majority of French citizens—to discuss the problem in terms of the organisation of justice both now and in the future leaves little hope that a valuable contribution will be made from any quarter other than the Government itself.

Plans for a far-going reform of the French judicial system are known to be under consideration. The recent increase in official salaries has affected very favourably the salaries of judges, and there are other projects for enhancing the position of magistrates. Meanwhile the rôle of sole judge thrust upon the magistrates must have a profound effect upon their status, their outlook, and their recruitment. From the special courts it has spread to Courts of First Instance, so as to release more magistrates to deal with the hideous spate of treason trials. Thus, for good or for ill, the treason trials are going to have a profound impact on the whole system of French justice. Any real change cannot but have a great influence on French public opinion and therefore on French public life, which has suffered too long from the defeatist scepticism of so many French citizens about their own judicial system.

jb

Z

Z 2224
17 FEB 1945

1945

FRANCE

Registry Number: Z 2224/255/17

FROM: Consul-General Kay Marseilles to Mr. R.L. Speaight.

No.

Dated 7th Feb.1945.

Received in Registry 17th Feb.1945.

Z : France

Arrest of Messieurs Brochier and Morin.

Transmits copy of letter dated the 9th February to Mr. Scarlett, British Embassy, Paris, regarding the arrests of Messieurs Brochier and Morin, and the adverse effect on the prestige of British Banks in France; and agreeing that a discussion with Brigadier Rabino might clear up some points which are enumerated.

Last Paper.

Z 1452 (Z 1844)

References.

(Print.)

(How disposed of.)

8) Mr Shuldham, Tour (for p + r) 22/2
(Retd Mar 8

(Action completed.)

(Index.)

Next Paper.

Z 2260 (Z 2666)

(Minutes.)

Copy to Mr Scarlett, Treas. (for info)
F. C. Simpson 21/2

Pres. 21/2

78.

BRITISH CONSULATE GENERAL
MARSEILLES.

February 9th, 1945.

R.L. Speaight, Esquire,
Foreign Office.

With the Compliments

of

Mr. S.E. Kay,
His Majesty's Consul General.

Z 2224
17 FEB 1945

79

Z.2224/256/17. PFS

P. Rutter HFD-

FOR PERUSAL AND RETURN

PLEASE

TREASURY
23 FEB 1945
FILE

With the Compliments
of the
Under Secretary of State
for Foreign Affairs

22 FEB 1945

T. M. Rayter Esq.
Treasury.

[redacted]/HLP

(22-2(2))

Copied to: Mr. R.L. Speaight,
Foreign Office

BRITISH CONSULATE GENERAL
MARSEILLES

February 9th, 1945.

Dear Scarlett,

Your letter of 25th January (28/15/45).

I have given a good deal of thought to the arrests of Brochier and of Morin, Managers of the Marseilles Branch of Barclays Bank and the Westminster Foreign Bank, respectively. What worries me particularly is the damaging effect which these arrests naturally have on the prestige of these British banks. I should be happy to discuss the matter with Brigadier Rabino, who could probably clear up the following points for me:-

1. If, as I assume to be the case, the above concerns are branches of British banks, how is that they were allowed to stay open after France was declared, I think in July 1940, an enemy country for the purpose of the Trading with the Enemy Regulations? Did the London Banks receive a licence to trade with the enemy through their Branches in the unoccupied zone?

2. It appears that after the fall of France in 1940 the Marseilles Branches started taking their instructions from the Paris offices, which, I suppose, were under German control. Were the London head-offices advised of the position and did they give their approval?

3. Did the London head-offices put their Marseilles branches under the protection of the Americans in 1940, and under the protection of the Swiss when the Americans came into the war? If not, why not?

The disturbing feature about the whole business is that neither Brochier nor Morin asked the Swiss for protection. If they had done so, the Swiss could probably have protected the safe-deposit boxes as they protected other British property in this region. Even if the Swiss had not succeeded, the Banks,

by invoking /

P.W. Scarlett, Esquire,
British Embassy,
PARIS.

by invoking Swiss protection, would have done their best to safeguard the interests of their British clients. Their omission to do so leads me to suppose that after business relations with the United Kingdom were severed in 1940 they regarded themselves as French Banks with head-offices in Paris.

Brochier and Morin were both arrested in the first half of October, and in those early days a number of arrests were made on flimsy grounds. Morin was released a week later. However, conditions have changed a good deal since then, and I doubt whether there is at present any serious risk of people being arrested or detained in Marseilles without reason. When I reported these arrests to London last October, the French Department of the Foreign Office replied:-

> "We agree that there is no action you can take on behalf of these two Frenchmen. Our general policy in regard to the purge is to let it take its course and not to attempt to intervene on behalf of any Frenchman affected by it unless there are quite exceptional reasons for doing so".

I personally see no exceptional reason to intervene, but should be very interested to have Brigadier Rabino's views.

I am sending a copy of this letter to Speaight at the Foreign Office.

(Signed) S.E. KAY.

17

1945

Z

FRANCE

Z 2260

17 FEB 1945

82

Registry Number: Z 2260/255/17

FROM Chancery, Paris to Western Department.

No. 28/30/45

Dated 11th Feb. 1945.

Received in Registry 17th Feb. 1945.

Z : France

Arrest of Monsieur Richard: appeal for British assistance.

Encloses copy of letter dated the 20th November from Monsieur François Richard, former French Consul-General at Lourenco Marques, who has been arrested, presumably for collaboration. He states that his British colleagues at Lourenço Marques could testify to his anti-German activities.

If there is no objection asks for testimonies to be obtained from Mr. Bowle and Mr. Ledger to be produced at Monsieur Richard's trial.

Last Paper.

Z 2224

References.

Z 9397/179/17: 1944
Z 9601/179/17: 1941

(Print.)

(How disposed of.)

Copies: Mr. Ledger, Leopoldville
Mr. Bowle,
from Mr. Spearpoint
Brazil
Diplo. Chancery, Paris
Western Dept
Branch II

(Action completed.)

(Index.)

Next Paper.

22499

(Minutes.)

Delayed for M.

Copies Mr. Bowle.
Mr. Ledger.

Mr. Strang.

All right - provided Consular & Personnel Depts see no objection.

D.S. to S.
2/3.

Z 2260
17 FEB 1945

83

2

BRITISH EMBASSY,
PARIS.

28/30/45.

11th February, 1945.

Dear Department,

We enclose a copy of a letter from a Monsieur François Richard, formerly French Consul-General at Lourenço Marques, who is now shut up awaiting trial, presumably for collaboration. You will see that he says that his British colleagues at Lourenço Marques could testify to his anti-German activities. If you see no objection, could you ask Bowle or Ledger whether they can say anything on this subject which we could communicate to his lawyer for such use as he could make of it at the trial?

Yours ever,

Chancery.

The Western Department,
Foreign Office.

84

Icpsse.

28/28/45.

Fresnes, November 20th, 1944.

To His Excellency
The Ambassador of His British Majesty
in Paris,

Excellency,

May I venture to require your most precious and kindest help in the following case? Being unduly kept in jail since the 30th of August late under ungrounded political suit, it would, I am sure, greatly strengthen my forthcoming defence if my former colleagues and ever friends, H.B.M. Consuls General in Lourenço-Marques (P.E.A), Messrs. Bowle and Claude Ledger, as well as the English Bishop of the Lebombos, the Right Rev. Dennis Victor were so good as to testify my real and active anti-german behaviour and good work, from the very first day of the war until the 1st of September 1941 when without any reason - the unspoken one being that I was a Mason - nor warning, Admiral Darlon gave me the sack.

My actual position is a very sad one, but I do swear in the face of God that I have done nothing to deserve it.

With the hope that the present request shall retain your most valuable attention, and anticipating with thanks,

I have, etc.,
(Signed) F.A. Richard.
François A. Richard.
former Consul for France,
Lourenço Marques

actually:/

actually:

prévenu administratif
1e Division-Cellule 389,
No. de Compte 523; no d'écroir 423.
Prison de Fresnes (Seine).

P.S.- Informations and correspondance should be adressed c/o my sollicitor, Me. Cardoux-Spony, avocat, 25 rue de Borgogue (7e)-Invalides 69.30.

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NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. 22260/255/17

OUT

Draft/m

Mr. Ledger CK. C&C.

Leopold with

—

Mr. Hy. Bonar
Bunny
Mr. Sprague
Mr. Spearing
Mr. Bishop
Creditor
from N. Devon

Mr. Straight

/

Confidential Dept. 6/3
Personnel Dept. 7/3
First
Off. 3/3.

FILED 2 d/Pls Rec 9 Mch 1917 8m

See below. 86.

I enclose a copy of a letter ~~to have been approached by~~ which was addressed to H.M. ~~Paris Embassy on behalf of a~~ Ambassador at Paris by M. Francois Richard, formerly French Consul-General in Lourenço Marques, who is now in prison awaiting trial, presumably for collaboration.

~~I~~ ~~enclose a copy of~~ a letter ~~from him to the Ambassador~~ from which you will see that M. Richard begs that you and Bonar ledger also to whom I am ~~forwarding~~ writing ~~this letter~~, could testify to his anti-German activities.

In

Is there anything on this subject which you can say which could be communicated to his Lawyer for such use as he could make of it at his trial?

Yours sincerely
(Sgd) R. L. Craigie

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OUT FILE

FOREIGN OFFICE,
S.W.1.

(Z 2260/255/17)

9th March, 1945.

Dear Ledger

I enclose a copy of a letter which was addressed to His Majesty's Ambassador at Paris by Monsieur François Richard, formerly French Consul-General in Lourenço Marques, who is now in prison awaiting trial, presumably for collaboration.

You will see that Monsieur Richard says that you and Bowle, to whom I am also writing, could testify to his anti-German activities.

Is there anything on this subject which you can say which could be communicated to his lawyer for such use as he could make of it at his trial?

Yours sincerely
R.L. Speaight

(R.L. Speaight)

C.K. Ledger, Esq., C.B.E.,
Leopoldville.

OUT FILE 89

Z 2260/255/17

FOREIGN OFFICE, S.W. 1.

11th March, 1945.

Dear Chancery,

Your letter 28/30/45 of February 11th about Monsieur François Richard.

We have asked Ledger and Bowle if they can provide any evidence. We will let you know when we have their replies.

Yours ever,

WESTERN DEPARTMENT.

Chancery,
British Embassy,
Paris.

19

1945

Z

FRANCE

Z 2518

23 FEB 1945

90

Registry Number Z 2518/255/17

FROM Consul General Cable, Zurich, to French Department.

No.

Dated 8th Feb.1945

Received in Registry 23rd Feb.1945

Z: France

French request for testimony to pro-British activities.

Encloses copy of letter dated 31st December from his former French colleague in Rotterdam, Monsieur Imbault-Huart, who asks for a testimony to his pro-British sympathies and activities.

Has informed him that he cannot give this direct, but that the French authorities should enquire through the British Ambassador in Paris or Monsieur Massigk in London. Gives summary of Monsieur Imault-Huart's character.

Last Paper.

Z 2499

References.

(Minutes.)

Copy Paris

Y.S. 4/3

(Print.)

(How disposed of.)

9) Paris No. 325

March 5

(Action completed.)

AD 5/3

(Index.)

11.3.45

Next Paper.

Z 2551

A/197/45

BRITISH CONSULATE GENERAL,
ZÜRICH.

8th February, 1945.

Dear Department,

I enclose a copy of a letter from my former French colleague at Rotterdam asking for a testimonial that he collaborated with me and was not anglophobe. I have told him that I cannot furnish him with such a testimonial direct, but that he should ask his authorities to enquire from our authorities either through His Majesty's Ambassador in Paris or through the French Ambassador in London.

I remember Monsieur Imbault-Huart as a rather ineffective and craven individual, but he certainly never showed any sign of being anti-British or pro-German. He may not have been much use, but with regard to M.E.W. work he placed himself entirely in my hands and undertook to do whatever I did.

Right from the start (October-November 1939) he was very much afraid of the Germans because, he said, of the terrible conditions prevailing in France, irresolution, lack of preparation and disunion. I managed to evacuate him and a number of his colony from Rotterdam with the convoy of 5 buses and 3 private cars which I led to the Hoek van Holland on the 13th May and I remember him saying at the time that he thanked God for the British Navy. What happened to him after he reached/

The French Department,
Foreign Office,
LONDON, S.W.1.

EGC/KP.

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Dict. 2

reached Engl[illegible] I do not know, but I have an idea that [illegible] to France shortly afterwards.

Yours ever,

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COPY

93.

Paris (8e) 152 Bed Haussmann,

the 31st of December 1944.

Dear Sir and Colleague,

Through the courtesy of the Consulate General in Paris, I have had yesterday communication of your address and it makes me a very great pleasure to send you my best wishes for the New Year.

I am glad to know that after Rotterdam you were appointed in Zürich, certainly you did there and are still able to do a great job.

May I ask you to write to me a few words as the French Ministry of Foreign Affairs wants to have me to produce attestations concerning my sentiments towards the Allies? I have no doubt you remember how tightly and with the greatest confidence we worked together for the "blocus" during the winter of 1939/1940 - as for my part I shall long remember our firm cooperation - and I think you can certify that. As you never heard from me a word against Great Britain, perhaps would you be kind enough to put it also in writing?

I hope this will not bother you and I thank you very much.

With kindest regards and again my best wishes, I am, dear Sir and Colleague,

Yours very sincerely,

R. Imbault-Huart,
Consul General for France.

20

6

1945

Z

FRANCE 1

Z 2551

27 FEB 1945

94

Registry Number Z 2551/255/17

TELEGRAM FROM

Mr. Duff Cooper,

No. Paris.

98 Saving

Dated -

Received in Registry 23rd Feb:1945

Z : France. +

Allegation by M. Flandin of a secret treaty between the Prime Minister and Petain.

Gives substance of press report in "L'ordre" of 9th February, in which it was alleged that M. Flandin, in the course of his trial for collaboration, referred to a secret treaty between the Prime Minister and Petain in 1940. States that no other paper has mentioned the matter.

Last Paper.

Z2518

References.

Z 2766/255/9

(Print.)

(How disposed of.)

(Minutes.)

See on Z 2766/G.

min. 1/3.

(Action completed.)	(Index.)
4/3	13/2/46

Next Paper.

Z2579 (Z2801)

26513 F.O.P.

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95

[En clair] DEPARTMENTAL NO. 2.

FROM PARIS TO FOREIGN OFFICE.

Mr. Duff Cooper. D. 19th February, 1945.
No. 98. Saving. R. 11.50 a.m. 23rd February, 1945.

Undated

- - - -

According to an article in "L'Ordre" of the 9th February, M. Flandin, in the course of a recent appearance before the Examining Commission of the High Court of Justice, referred to a treaty alleged to have been made in 1940 between Mr. Churchill and Pétain. M. Flandin's object was to prove that Pétain was then working in full agreement with London. He apparently maintains that he himself and other Vichy Ministers only agreed to serve under Pétain because latter informed them of the alleged agreement.

2. "L'Ordre" which says that this story was already current at the end of 1940 in the United States, comments that, while the best jokes are said to be the shortest, this one has lasted five years and is still as funny as ever.

3. No other paper has referred to the story. But it has cropped up several times in conversation recently, the source always appearing to be close friends or relations of M. Flandin.

4. Please see also my letter to Mr. Harvey which goes by bag.

FRUM

I have a vague idea there was some communication between C.R.M. & Pétain - this might have a bearing on the matter you might recall - C.R.M. 23/II

96

Z

1945

FRANCE

Z 2579

24 FEB 1945

Registry Number: Z 2579/255/17

FROM Mr. Duff Cooper. Paris.

No. 205 69/15/45

Dated 20th Feb, 1945.

Received in Registry 24th Feb, 1945.

Z: France

Trial of Charles Maurras and Maurice Pujo.

Summarises the proceedings at the trial of Charles Maurras, held at Lyons from 24th-26th January, adding that this trial, which was expected to be the most spectacular of the purge, was over-shadowed by news of the Russian offensive and by the hardships consequent on the cold spell.

States that Maurice Pujo, editor of the "Action Française" was tried at the same time, and sentenced to five years imprisonment and a fine. Maurras was sentenced to solitary confinement for life, and the "Populaire" contrasted this sentence with that passed on a young railwayman for similar activities.

Last Paper.

Z2551

References.

Z7048/3744/17 : 1944
Z1142/255/17 — in FORD

(Print.)

(How disposed of.)

8/ Sir D. Morton No. 10
Mr O. Scott, M of I
Ch and G

(Minutes.)

Copy { Sir D. Morton
Mr O. Scott, M. of I.

Y. Simpson 4/3

F.O.R.D 8/3

Quite well done.

Mrs 5/3.

(Action completed.) 9/3

(Index.) 11/12/46 2nd

Next Paper.

Z2666

AB

Z 97

69/15/45

No. 205

Z 2579

21 FEB 1945

British Embassy,

Paris.

20th February, 1945.

Sir,

I have the honour to report that the trial of Charles Maurras which took place at Lyons from the 24th to the 26th January, and which had promised to be one of the most spectacular of the whole Purge, passed off with something of an anti-climax, public attention being largely preoccupied by news of the Russian offensive and by the inescapable hardships of the severe cold spell.

2. Maurras faced trial with his faithful disciple Maurice Pujo, editor of "Action Française". Proceedings opened on the 24th January in a snowstorm, and the courtroom was apparently only partly filled. Owing to Maurras' deafness it had been intended to conduct the interrogation in writing, but this procedure prove impracticable and the question of the court were transmitted by a spokesman who was able, by shouting a few inches away from Maurras' face, to make himself understood. Throughout the trial Maurras' attitude was unrepentant. He appeared wearing in his buttonhole the "francisque" emblem conferred by Marshal Pétain on his closest friends and most ardent supporters, and lost few opportunities of insulting both the court and the government which it represented. The Public Prosecutor had evidently received instructions to base his case solely on a number of denunciations of individual Gaullists, including Monsieur François Bidault, brother of the present Minister for Foreign Affairs. These appeared at different times in articles in the "Action Française" signed by Maurras. Maurras was however determined to drag in wide political issues and to turn the trial into that of the Third Republic and of Pétain. In this he succeeded to the extent of obtaining permission to read to the court a memorandum of 134 pages which he had prepared in prison apparently designed to prove to posterity the permanently anti-German complexion of integral nationalism. This political confession, the significance of which was lost on the jury and most of the members of the court, occupied most of the proceedings of the 24th and 25th January.. Unfortunately Maurras has never been an orator. Although aggressive and interminably discursive, his defence was almost inaudible and not more than one phrase in three was heard in the body of the court. The pleading was in any case irrelevant to the charges which were laid against him.

3. Six witnesses appeared for the prosecution. The first, Monsieur Francisque Gay, one of the persons denounced by Maurras, claims the distinction of having given evidence against Maurras in court on seventeen previous occasions. In spite of this his testimony and that of Messieurs François Bidault and Champetier de Ribes was delivered with comendable impartiality. The prosecution failed to prove Maurras' responsibility for the death of a Jew named Monsieur Worms, since Worms was apparently done to death slightly before the publication of the incriminating article. In the end their case rested on the denunciation of a family named Fournier at Bourg, who appear to have caused a member of the local "milice" a certain number of sleepless night.

One/

The Right Honourable
Anthony Eden, M.C.,M.P.,
etc. etc. etc.

One of the persons arrested on this occasion was subsequently shot and two others have been deported.

4. The defence produced no less than twenty-one witnesses and a number of written testimonies. Several of these, such as Auphan of the "Action Française" and Angeli, ex-prefect of Lyons, are themselves at present awaiting trial or retrial. In the main they endeavoured to discredit the idea that Maurras' motives were in any way unpatriotic. Many of their appeals, such as that of François Daudet, rested on purely compassionate grounds. A Professor named Rambaud put forward the curious plea that Maurras' was not only too deaf but "lived really too close to governmental circles to be well informed". Considerable use was made of Angeli's evidence that Déat and Darnand had at one time arranged for Maurras' assassination. In the case of Pujo, who was accused as an accessory in his master's misdeeds, evidence of his imprisonment by the Germans for several months at Montluc made a favourable impression on the court.

5. The public prosecutor asked for the death penalty in the case of Maurras only. The summing up of the two counsel for the defence is reported to have been well handled. Maurras intervened with a final harangue in which he addressed the public prosecutor successively as "Monsieur l'avocat de la femme sans tête", and as "Monsieur le Procureur de la République Troisième ou Quatrième", and announced his decision not to appeal if he were sentenced to death. He asked for nothing more glorious than to let his blood flow once again for France.

6. The court delivered its verdict late on the evening of the 26th January, after only one hour and a quarter of deliberation. Maurras was found guilty, with extenuating circumstances, and condemned to solitary confinement for life. Pujo, found guilty only under Article 83 of the Penal Code of "activity calculated to subvert the morale of the army or the Nation" was condemned to five years of prison and a fine of 20,000 francs. Both received sentences of national degradation. Maurras brandished his fist at his judges and cried "C'est la rèvanche du procès Dreyfus". The sentence caused comparactively little disturbance in court, and the general effect of press comment, which was largely hostile to the accused, was minimised by the fact that several papers, including the Communist "Humanité" was unable, owing to the Monday holiday, to print the news until it was relatively stale.

7. The Socialist "Populaire", drew a scathing contrast between Maurras' sentence and the condemnation to death in an adjoining court of a 27 year old railwayman for a denunciation which had rather less serious results than the Fournier case. There is however a very general feeling in governmental circles that a case which threatened to divide French opinion more profoundly than any other now pending, has been got rid of without creating any great new problem. Maurras refused to appeal.

21142/255/17

8. On the 1st February the Academy took its long awaited decision about Maurras. It did not formally expel him, but declared that he was automatically excluded by virtue of Article 21 of the Ordinance of the 26th December, 1944, on national indignity. His seat would therefore be declared vacant in four weeks' time, the usual interval after the death of an Academician.

I have the honour to be, with great truth and respect,
Sir,
Your most obedient, humble Servant,
Duff Cooper

22

1945

Z

FRANCE 1

Z 2666

27 FEB 1945

99

Registry Number: Z 2666/255/17

FROM Consul General Kay (Marseilles) to Mr. R.L. Speaight

No. --

Dated 20th Feb.,

Received in Registry 27th Feb., 1945.

Z : France. -

Arrest of Mm. Brochier and Morin.

Transmits copy of letter dated 20th February to Mr. P.W. Scarlett, regarding the arrests of Mm. Brochier and Morin, and giving the substance of discussions with Brigadier Rabino on points raised in Mr. Scarlett's letter to Marseilles of 25th January (Z 1884/255/17).

Last Paper. (Z2224) Z2579

References.

(Print.)

(How disposed of.)

8) Mr. Fenton, Tels (for p 1 & 2) Ackd & ltr d March 17

(Action completed.)

(Index.)

Next Paper.

Z2760

(Minutes.)

Copy Mr Fenton. Treas. (for p. 1 & 2)

F.J.S. 4/3

100

BRITISH CONSULATE GENERAL
MARSEILLES.

February 20th, 1945.

R.L. Speaight, Esquire,
Foreign Office.

With the Compliments

of
Mr. Kay,
His Majesty's Consul General.

Z 2666
27 FEB 1945

Ref. F.O. letter
of Feb. 22.
Z 2224/255/17.

101

O-B

to return to
F.O.

TREASURY
8 MAR 1945
File Last Trace

Z.2666/255/17.

FOR PERUSAL AND RETURN.

FROM

THE WESTERN DEPARTMENT.

March 5. 1945.

J.H. Peyton Esq.

Treasury.

SEK/HIF

102

(22-2(2)

BRITISH CONSULATE GENERAL
MARSEILLES

Copied to: Mr. R.L. Speaight,
Foreign Office.

February 20th, 1945.

Dear Scarlett,

21884/255/17

Your letter of 25th January (28/15/45) and my letter of the 9th instant about the arrests of Brochier and Morin, Managers of the Marseilles Branch of Barclay's Bank and the Westminster Foreign Bank, respectively.

21884/255/17

I discussed the question on the 17th instant with Brigadier Rabino who cleared up points 1, 2 and 3 raised in my letter under reference. It appears that after this country was declared in 1940 an enemy country for the pruposes of Trading with the Enemy, the London head-offices held no further communication, either direct or via the Foreign Office and the Protecting Power, with their Marseilles branches, which were themselves "enemies". Thus, I suppose that being cut off from London the Marseilles branches considered themselves to be in the position of French Banks with head-offices in Paris.

Rabino was particularly concerned about (a) the damage caused to the two Banks by the arrest of their managers, and (b) the fact that although several French Banks had also handed over gold to the Germans, the only arrests made so far were those of the managers of the two British Banks.

As regards (a) I suggested that Barclays might consider the advisability of suspending Brochier, who, I understand is still detained, and that the Westminster might consider the advisability of retiring Morin, who appears to have weathered the storm and who is 70 years of age. Rabino had an interview with the Regional Commissioner on the subject of (b) and told me that Haag had assured him that there was no question of any anti-British bias, and gave him to understand that while arrests might have been made on flimsy grounds during the Aubrac regime, such was no longer the case. Doubtless Rabino will inform you fully of his visit to Marseilles.

I am sending a copy of this letter to Speaight.

(Signed) S.E. KAY.

P.W. Scarlett, Esquire,
British Embassy,
Paris.

. 1945

WESTERN

Z 2466 /G 103

28 FEB 1945

Z 2466/255/G/M

Mr Duff Cooper
Paris
to Mr Harvey

Dated 20 Feb.
Received 28 Feb.

France: Case of M. Flandin

States that M. Flandin is making use in his defence of an alleged agreement in 1940 between Pétain & the P.M. Enc. extract copied from a document in possession of Flandin's brother

Last Paper.

References.
Z 2551/255/G 17

(Print.)

(How disposed of.)
Dft) Mr Duff Cooper Paris from Mr Harvey
copy Corresp Lord Halifax with Mr Harvey's Compts
V. Roach
Tel to Paris 2086
Rptd Paris 450
S Roach
Two
(Action completed.)
D. F 24/4
(Index.)

Next Paper.

(Minutes.)

Please see also Z 2551/255/17, and a cutting from yesterday's "Daily Express" within, on which the Prime Minister has asked for a note.

The "Chicago Tribune" got hold of the same story last July. We went into the matter in some detail then and decided that the story must have come from the mischievous M. Rougier, who caused so much trouble to the Washington Embassy during the winter of 1942 - 1943 when he threatened to publish details of an alleged secret agreement between the Prime Minister and Pétain which he claimed had been negotiated through his intermediary. My two minutes in Z 4623/4623/G of 1944 summarise the history of all our dealings with Vichy at that time, both through the Madrid Embassy and through Rougier. So far as we know, the "Chicago Tribune" lost interest in Rougier's story, for we have never heard that they published anything. It will be seen from Z 4623/G that the relevant telegrams were sent to Sir Desmond Morton at the time, with a brief explanation of the background for use with the Prime Minister if necessary.

It is important that Mr. Duff Cooper should be well documented about these early exchanges with Vichy so as to be in a position to give the lie to stories such as Flandin's. I have had a fair copy made of my minute about the Madrid exchanges, which we might send him together with the two Print Sections containing all the relevant documents, if spare copies of them can be found. I have also prepared a revised version of my second minute about Rougier, which could be sent to him together with the documents which it mentions. He should also have the telegrams to and from Washington in Z 4623/G. We can authorise him to deny the story of a secret agreement (I have already told the News Department, who were having enquiries, that there is no truth in it). We might also put it to him that it would be useful for him to give the substance of my two memoranda to M. Bidault, so that the French Government will be in possession of the true facts: there is nothing in

them/

The Quai d'Orsay

them which we now need to conceal and ~~they~~ must already have a good deal of probably inaccurate information about our dealings with Vichy in their own archives. I submit a draft to Mr. Duff Cooper from Mr. Harvey.

Min to P.M.
P.M/45/85
6 March

In response to the Prime Minister's request I have also prepared the attached comprehensive memorandum. The matter is a little delicate in view of the Prime Minister's personal interest in M. Flandin, but I submit that we should be well advised to take full steps to make known the true facts about our dealings with Vichy. This seems to the only way of giving the lie to the secret agreement story which, according to what reliable Press correspondents are telling the News Department, is very generally believed in Paris. The best way of doing this might be a question in Parliament (there is likely to be one even if we do not inspire it), in reply to which the Secretary of State could give a brief account of our dealings with Rougier (without mentioning his name) and perhaps also of our exchanges with Vichy through Madrid. The Secretary of State might be willing to put this to the Prime Minister in a minute covering my memorandum about Rougier.

R. L. Speaight

1st March, 1945.

Sir W. Strang
Sir R.I. Campbell.

Since dictating the above I have seen W'ton. tels. Nos 1343 & 1344 (Z 2801 & Z 2817/G). I have added a para. to the memo. abt for the P.M. These tels. strengthen the case for a Statement in Parliament. Unless & until one is made, however, I think that Lord Halifax can only deny that there was any agreement.

Dft. tel. to W'ton.

R. L. Speaight 1/3.

I have nothing to add to Mr. Speaight's drafts and memoranda which coincide with my [illegible] of which I passed.
W. Strang 1/3/45

Nothing to be Written in this Margin.

In view of the interest which is being taken in this matter in the papers not only in France but in the U.S. and in this country, and of the possibility that H.M. Government's attitude in the matter will be misrepresented, it seems clearly desirable that the true facts, of which we have no reason to be ashamed, should be made public as soon as possible. A Parliamentary Question would be the obvious way of doing this, though before this could be arranged the Prime Minister's approval would presumably have to be obtained.

In the meantime the sooner some explanations can be given to Paris and Washington the better, and we hope that the draft letter to Mr. Duff Cooper and the draft telegram to Washington can be got off to-day. Before this can be done, however, the Secretary of State's general approval to the idea of a statement in Parliament will presumably have to be obtained.

J Rothschild

March 2nd 1945.

See within
I. F. O. Min Mr Hoyer
Millar
2 March

X X

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NOTHING TO BE WRITTEN IN THIS MARGIN.

Minutes.

106

From Daily Express of 26th Feb 1945

DAILY EXPRESS W

Petain-Churchill secret

'PACT FOR FRANCE TO RE-ENTER WAR'

PARIS, Tuesday.—In Paris tonight a lawyer said that Petain made a secret treaty with Churchill in November 1940, pledging to bring France back into the war on the Allied side when the time was ripe.

The story was told by counsel in a statement for the defence of Pierre Flandin, former French Premier, and one-time Foreign Secretary under Petain.

He said that only because of this treaty did Flandin take a post in the Vichy Government.

Mr. Churchill, he said, sent an envoy from Petain between October 24 and 26, 1940, to London, where the treaty was drafted, signed and sent to Vichy for Petain's approval.

The Marshal ratified this in code on November 11 through the Vichy Embassy in Madrid, and the British Government confirmed the ratification through its consulate at Geneva on November 21.

In the agreement, counsel said, Britain pledged to re-establish French sovereignty if France did not aid the Axis, and exempted from blockade small ships plying between France and African colonies.

COLONIES PLEDGE

Britain further pledged not to seize other French colonies, while Vichy pledged not to regain colonies which had joined General de Gaulle.

Marshal Petain promised not to cede bases to the Germans, particularly Southern France, North Africa, Morocco and West Africa.

The document is said to have added:—

"The French Government will bring the empire back into the war on the day when England and her eventual Allies will have proven their force, and at the same time will be ready to bring back and equip French colonial troops who are now deprived of munitions and means of locomotion."

A special clause repeated solemn assurances to sabotage the French Fleet rather than allow it to fall to the Germans or Italians.

Mr. Eden:

The P.M. would like a note on this. He doesn't know anything about it.

25/2/45

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28/2

Z 2766
BRITISH EMBASSY, PARIS
28 FEB 1945

559/2/45

20th February 1945.

TOP SECRET

My dear Oliver

In my telegram No.98 Saving, I have reported the story in "L'Ordre" that Flandin, whose case is now "under instruction" before the High Court of Justice, is making use in his defence of an alleged agreement concluded in 1940 between Pétain and the Prime Minister, with the object of proving that the Vichy Government, which he entered in December 1940, was one "where he could conduct, and did conduct, a policy of resistance".

I enclose an extract copied from a document which is in the possession of Flandin's brother, and which, we understand, he has shown to two or three people. It purports to summarise an agreement concluded in 1940 and which led to the subsequent conclusion of the Eccles-Marshal agreement on supplies to Morocco.

It would be useful to me to know the true facts about this whole story and also to have your advice on the line we should take about it.

Yours ever

Duff Cooper

O.C. Harvey Esq., C.B., C.M.G.,
Foreign Office.

Mr. Harvey minute to No. 10
Can we look this up?

26/2

COPY

3c

TOP SECRET

108

Extract from a Confidential document: "Le Gouvernement de Pétain étant le Gouvernement de la trahison.."

Les 24 et 26 octobre 1940, un envoyé du Maréchal Pétain était reçu à Londres par M. Winston Churchill. Il était porteur d'assurances, de propositions et de demandes du Gouvernement français. Après une confrontation des points de vue britannique et français, les résultats acquis furent consignés dans un texte dactylographié, rédigé dans le cabinet de M. Strang du Foreign Office, en date du 18 octobre 1940, texte qui fut soumis aux corrections et à l'approbation du Premier Ministre. Le Maréchal Pétain reçut communication du texte des projets d'accord, accompagné d'un mémoire, le 10 novembre 1940. Ils furent ratifiés le 11 novembre par lui, selon une procédure qui avait été convenue d'avance, et par l'intérmédiaire de notre poste diplomatique de Madrid. Ils furent confirmés, après la ratification du Maréchal Pétain, par un télégramme du du Foreign Office en date du 21 novembre, sous couvert du Consulat Général de Grande-Bretagne à Genève.

Je fais observer que toutes ses dates sont postérieures à Montoire.

Et voici, maintenant, le contenu de ces accords:-

Engagement de la Grande Bretagne à l'Egard de la France

a) La Grande Bretagne rétablira dans son intégrité et sa souveraineté la France, si elle ne fait rien pour aider la victoire des totalitaires, et, à fortiori, si elle contribue à la victoire britannique.

b) Au cas où le Gouvernement français cèderait des bases aériennes et navales aux totalitaires, la Grande-Bretagne ne répondrait plus du sort futur de la France et de son Empire.

Attenuation du Blocus

1) Le Gouvernement britannique assimilera à du cabotage qui ne tombe pas sous le blocus - le transport des denrées coloniales de Dakar, de Casablanca et des parts nord-africains aux ports de Provence.

2) Le Gouvernement anglais enverra à Madrid un expert économique qui s'entendra avec un expert économique français au sujet d'échanges éventuels avec la Maroc.

Accord sur le Status des Colonies Françaises Fidèles à Vichy

1) Le Gouvernement anglais s'engage à ne plus chercher à prendre par la force ou à débaucher par la propagande les colonies françaises demeurées fidèles au Gouvernement de Vichy.

2) Toute agression anglaise contre les colonies françaises sera repoussée par les armes pour éviter la défense conjointe par l'Axe desdites colonies, ce qui équivaudrait à céder à l'Axe les colonies françaises et leurs bases.

Accord sur la Radio

Le radio britannique s'abstiendra de toute critique à l'égard de la personne du Chef de l'Etat français, le Maréchal Pétain.

Engagements de la France Concernant les Colonies et les Bases

1) Le Gouvernement français s'engage à ne pas chercher à reprendre par la forces les colonies passées à de Gaulle.

2) Le Gouvernement français s'engage à ne céder à l'Axe ni les ports de Provence, ni les bases de l'Afrique du Nord, du Maroc et de l'Afrique Occidentale.

3) Le Gouvernement Français remettra l'Empire dans la guerre le jour où les Anglais et leurs alliés éventuels auront fait la preuve de leur force, seront à même de débarquer en nombre et d'équiper les troupes coloniales françaises,/-

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Mr Winston Churchill

Z 2766 G
20 MAR 1945

The British Embassy, PARIS.

8th March, 1945.

My dear Oliver,

Thank you for your letter of the 5th March concerning the false statements made about the Petain/Churchill Agreement.

The press here seems to have lost interest in the question, and, unless we are approached, I do not think it is necessary for us to make any official statement.

At the same time, I think it would be useful if we could have a question asked in the House of Commons, in order to clear up the matter once and for all.

Yours ever,

Duff Cooper

Oliver Harvey, Esq., C.B., C.M.G.,
The Foreign Office,
Downing Street,
S.W.1.

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Registry
No. Z 2766/255/G

R.L.S.

Draft.

Mr. Duff Cooper
Paris.

(from Mr. Harvey)

W'tm rel 3612
F.O. rel 6420 to W'tn
M. Speight's minute of July 6/44
Print secret A 413 annexed thereto
Speight minute of Mar 1/45 with annexes.
Refs 1/3
Copy covering Lord Halifax with Mr. Harvey's compts. and reply. 0/3

5 March 1945. 110

My dear Duff,

Thank you for your letter 559/2/45 of February 20th about the alleged Pétain-Churchill agreement.

2. This story came up last summer when the "Chicago Tribune" threatened to publish documents proving the existence of such an agreement - see enclosed copies of Washington telegram No. 3612 of July 15th and our telegram No. 6420 of July 16th to Washington. At the time we went carefully through our archives of the period and the result was summarised in the two enclosed minutes by Speight which with their annexes should give you all the necessary background. It is clear that what is represented by Flandin and others as "an agreement" between H.M.G. and Pétain is in fact the notes which Rougier prepared here for his interview with Weygand after his talks with the Prime Minister and others. ~~These were in fact edited by Strang~~ and the only copy of the notes in our archives contains a number of pencilled additions in Strang's handwriting which were, we believe, also inserted in the copy which Rougier took ~~with him to Weygand. We have had the enclosed copy made of the document, Strang's additions being added in square brackets.~~ Rougier may well have shown the notes to Pétain with whom he was known to have conversations after his interview with Weygand, but they were never intended by us as even the basis for a message to Pétain, and there was no question of using Rougier as an intermediary with the Marshal. Even so, the summary of the notes given in the document

enclosed/

enclosed in your letter was largely fictitious. The points in the first heading in that summary are substantially correct. The second heading has a basis of truth in that we were prepared to relax the blockade in return for various assurances (which Vichy never gave), but the rest is pure invention.

3. On the basis of the foregoing you may with a clear conscience deny that the Prime Minister or any other authority of H.M.G. ~~every~~ concluded ~~negotiated~~ a secret agreement with Pétain. ~~Indeed you may think it advisable to issue a formal statement in this sense. If the Flandin party has in fact obtained wide circulation, Our News Department has had enquiries about the story and we have already authorised them to say that the story is untrue.~~

4. It is also for consideration whether it might not be in our interest to give all the facts to M. Bidault in order to allay any suspicions that he may have that there is some foundation for what Flandin has been saying. I can see a distinct advantage in giving M. Bidault the substance of Speaight's two minutes. The fact of Rougier's contacts with us must be on record in the Vichy archives and available to the Quai d'Orsay, but their version is probably a falsified one and it seems in our interest as well as theirs that they should have the true facts on record. I leave this to your discretion.

If you wish to go further you'd take the line proposed in our reply to W/T No. 1344 which is being repeated to you. As you will see from it, we are content to let the S/S in contemplating making a statement in Parliament.

CM
2/iii

Yours ever
(Sd.) Oliver Harvey

NOTHING TO BE WRITTEN IN THIS MARGIN.

FOREIGN OFFICE, S.W.1. 112

5th March, 1945.

(Z 2766/255/G)

My dear Duff,

Thank you for your letter 559/2/45 of the 20th February about the alleged Pétain-Churchill agreement.

2. This story came up last summer when the "Chicago Tribune" threatened to publish documents proving the existence of such an agreement - see enclosed copies of Washington telegram No.3612 of the 5th July and our telegram No.6420 of the 16th July to Washington. At the time we went carefully through our archives of the period and the result was summarised in the two enclosed minutes by Speaight which with their annexes should give you all the necessary background. It is clear that what is represented by Flandin and others as "an agreement" between His Majesty's Government and Pétain is in fact the notes which Rougier prepared here for his interview with Weygand after his talks with the Prime Minister and others. Rougier may well have shown the notes to Pétain with whom he was known to have conversations after his interview with Weygand, but they were never intended by us as even the basis for a message to Pétain, and there was no question of using Rougier as an intermediary with the Marshal. Even so, the summary of the notes given in the document enclosed in your letter is largely fictitious. The points in the first heading in that summary are substantially correct. The second heading has a basis of truth in that we were prepared to relax the blockade in return for various assurances (which Vichy never gave), but the rest is pure invention.

3. On the basis of the foregoing you may with a clear conscience deny that the Prime Minister or any other authority of His Majesty's Government ever concluded a secret agreement with Pétain.

Yours ever,

(Sd.) Oliver Harvey.

The Right Honourable
A. Duff Cooper, D.S.O., M.P.,
Paris.

Copy

(Z 4623/4623/G)

/CYPHER/ PRISEC

FROM WASHINGTON TO FOREIGN OFFICE.

Sir R.I. Campbell
No. 3612
4th July, 1944.

D. 2.2 a.m. 5th July, 1944.
R. 11.45 a.m. 5th July, 1944.

Following personal for Lord Halifax.

Following letter for you has been received from Mr. Trohan, Washington correspondent of Chicago Tribune.

"There has come into possession of the Tribune a series of secret documents relating to an agreement concluded by Prime Minister Churchill and Marshal Pétain in the fall of 1940 regarding the conduct of French Colonies in the war. Among documents are a number of letters written by yourself.

Should you care to discuss the matter I will be happy to wait upon you".

2. I have told Trohan that you are in London and that I am communicating to you his letter.

3. What would you wish me to say to him? As I have no knowledge of the subject matter of his letter I cannot usefully advise.

/Copies sent to Lord Halifax/.

O.T.P.

Copy

(Z 4623/4623/G)

/CYPHER/ PRISEC

FROM FOREIGN OFFICE TO WASHINGTON.

No. 6420.
July 16th, 1944. D. 12.00 p.m. July 16th, 1944.

IMPORTANT.

Following personal from Lord Halifax.

Your telegram No. 3612 /of 4th July: "Chicago Tribune's" possession of documents of autumn 1940 regarding conduct of French colonies/.

It seems probable that these documents were communicated by Rougier. You will remember my correspondence with him in December, 1942, and January 1943, of which Chancery has copies.

2. I think that it will be sufficient if you will thank Mr. Trohan for his message but say that I naturally cannot form any opinion until I have seen the documents. You might add that I have no knowledge of any agreement of the nature alleged.

O.T.P.

Copy.
(Z 4623/4623/G)

Throughout the second half of 1940 we were in touch with the Vichy Government via Madrid. A number of communications were exchanged between His Majesty's Ambassador at Madrid and the Vichy Ambassador and these are clearly the documents of which the Chicago Tribune has obtained copies. The paper doubtless got the documents from some member of the former Vichy Embassy at Washington which would naturally have been kept informed of the exchanges by its Government.

2. The object of the exchanges was on our side to obtain assurances from Vichy that they would not offer the French fleet to the Germans, allow the Germans to establish themselves in the African territories under their control or themselves attack the Free French colonies. Provided that preliminary assurances were given on these points we were prepared to enter into detailed discussions with Vichy representatives at Madrid for a modus vivendi whereby in exchange for binding undertakings on the points in question, limited trade would be allowed between Metropolitan France and French African territories under Vichy control. In the event, however, the discussions led to nothing largely because Vichy insisted that we should undertake to make no further attacks on their territory or ships and to give up our support of de Gaulle or at least not to help him to conquer further French territory. (There was never any real chance of the discussions succeeding for it became increasingly clear that Vichy was too much under German influence to be able to give any satisfactory assurances or to carry them out if given).

3. The discussions arose out of the unofficial agreement made with Vichy after the withdrawal of the French Embassy that contact should be maintained by the appointment of semi-official diplomatic agents at London and Vichy. Vichy (doubtless under German pressure) made various difficulties about receiving a British agent and suggested as an alternative that contact should be maintained between the two Embassies at Madrid (papers 7, 8 and 10 in the attached Print Section A). This suggestion was followed on the 3rd September by a personal communication from M. Baudouin (the then Vichy Foreign Minister) to Lord Halifax (then Foreign Secretary) to the effect that in our own interests we should give no support to further de Gaullist movements in French Africa since the dissidents were really working against us (paper No.6 in the attached Print Section B). His Majesty's Government agreed to discussions at Madrid but Lord Halifax replied to M. Baudouin with a categorical statement of our determination to stand by de Gaulle (papers 8 and 9 in Print B). This statement was repeated more formally a few days later in reply to a further message from M. Baudouin pressing for a colonial modus vivendi (papers 11 and 12 in Print B). The next message from M. Baudouin delivered on the 27th September made it clear that by a colonial modus vivendi he understood an arrangement for the supplying

of/

of Metropolitan France with raw materials from her colonies (paper 16). His Majesty's Government replied to this on the 3rd October indicating their readiness to negotiate a modus vivendi subject to the receipt of satisfactory assurances on the points mentioned in paragraph 2 (paper 17). The next French note dated the 14th October (paper 21), was elusive about the assurances and Sir Samuel Hoare was instructed to give the French Ambassador a further verbal explanation of our attitude which included a threat of reprisals against targets in unoccupied France and even Vichy itself in the event of an attack on British territory, harbours or ships of war (paper 23). By this time reports of increasing Vichy collaboration with the Germans made us believe that the danger of the Germans establishing bases in North Africa and securing the use of the French fleet was imminent. A personal message from The King to Pétain (paper 24) produced a very cool and unsatisfactory reply (paper 27). A further verbal message from His Majesty's Government was conveyed to the Vichy Government via Madrid on the 1st November pressing them to stop procrastinating and to make their position clear (paper 26). A written reply from Vichy was delivered to Sir Samuel Hoare on the 11th November (paper 39); it repeated that Vichy would never take the initiative in attacking Great Britain, protested again against the help we were giving to de Gaulle, maintained that the Government's independance had not been compromised by their negotiations with Germany but still avoided the assurances for which we were asking. Sir Samuel Hoare was instructed on the 23rd November (paper 42) to recapitulate our attitude to the Vichy Ambassador and to let him know that, even though the required assurances had not been given, we were prepared to begin economic discussions with a view to some resumption of trade between French North Africa and ports in unoccupied France. No answer was ever given by Vichy to this communication and no negotiations took place in Madrid. Subsequent exchanges took place through the intermediary of the United States Government on a tripartite basis and did of course result in various agreements for the passage of supplies to unoccupied France from the Vichy colonies.

(Sgd) R.L. Speaight.

6th July, 1944.

Copy

(Z 4623/4623/G)

In December 1942 Monsieur Rougier, who had by then shown himself to be thoroughly mischievous, fanatically anti-de Gaulle and increasingly anti-British as well, wrote to Lord Halifax informing him that he intended to publish the details of the negotiations which he conducted with Vichy on our behalf in 1940. With the Secretary of State's approval Lord Halifax replied that it would be most improper for him to do this without the consent of His Majesty's Government which could not be given. The correspondence continued until January 1943, Monsieur Rougier's letters becoming increasingly wild and offensive. Monsieur Rougier maintained - although Lord Halifax tried to disillusion him on the point - that His Majesty's Government had concluded a secret agreement with Vichy through his intermediary in the autumn of 1940. In a letter of January 18th he quoted as proof of his contention three documents:-

(1) The record of his talks with the Prime Minister and others in London in October 1940 prepared by himself and corrected by the Prime Minister personally.

(2) An autograph letter of November 5th 1940 from the Prime Minister to General Weygand.

(3) A telegram of November 21st 1940 sent by the Foreign Office to a Count van den Heuvel, allegedly His Majesty's Consul-General at Geneva containing a message for Monsieur Rougier. This message was said to refer to certain assurances given to Monsieur Rougier by the Vichy Government as constituting "a provisional arrangement".

Monsieur Rougier first came to our knowledge in October 1940 when he appeared at Lisbon apparently on an unofficial mission to His Majesty's Government from Pétain. He was brought to London and saw the Prime Minister and Lord Halifax. I cannot trace his own record of the conversations but a note on them by Mr. Strang is attached (annex A). It was arranged that he should go to North Africa to see General Weygand. On the basis of his talks here he drew up a series of notes for his talk with Weygand which he showed us and which we corrected in places. These notes (annex B) may be the document (1) mentioned above: in our copy the additions in English are partly in Lord Halifax's hand and partly in Sir William Strang's: but there is no record to show that the Prime Minister had anything to do with correcting the notes.

There is no record of any personal letter from the Prime Minister to Weygand at any date in 1940.

After seeing Weygand, Monsieur Rougier proceeded to Vichy, had conversations with Pétain and then went to the United States where he has remained since. He sent us a report of his conversations with Pétain, the relevant features of which are given in the attached letter to the Prime Minister (annex C). It will be seen that Pétain did

in/

in fact give him certain assurances about the limitations of Vichy's collaboration with Germany. Monsieur Rougier was given no message of any kind for Pétain and no mandate to negotiate with him on our behalf. Indeed, when he left London I do not think that we even knew that he intended to return to Vichy at all.

The alleged telegram to "Count van den Heuvel" is a fake. No one of that name was ever British Consul General at Geneva, and the Foreign Office sent no message to Monsieur Rougier via Geneva or any other channel while he was in France.

(Signed) R.L. Speaight.

March 1st. 1945.

Copy

(C 11442/G)

The Prime Minister and the Secretary of State received M. Rougier this evening.

The Secretary of State tells me that what passed might be outlined as follows:

The Prime Minister emphasised our determination to win, and enlarged upon the extent to which assistance would be forthcoming from the United States. He showed him the account which the President had sent to the Prime Minister of the warning which he had administered to Vichy. The Prime Minister also informed M. Rougier of the communications we had ourselves sent to Vichy and emphasised that if the Vichy Government were to participate in the German war effort against us, we should undoubtedly attack the seat of the French Government from the air. He urged the desirability of establishing a Government - perhaps even a separate Government - in North Africa and taking action against the Italians who were liable to crack. M. Rougier asked what help we should be able to afford if this were done, and the Prime Minister pointed to the large reinforcements we had already sent and were now sending to the Middle East. This was the measure of our power to act in the Mediterranean.

One thing which was important to do was to get rid of M. Laval. (M. Rougier himself made this point very strongly). If the French would resist German threats and blandishments and would organise a sphere of resistance in North Africa, we should certainly consider relaxing the blockade in their favour. In order to prepare the way for this development, it was suggested that a high French staff officer might be deputed to meet some of our own military authorities, possibly at Gibraltar. Ways and means of arranging this secretly were discussed.

M. Rougier said he would return to Vichy as soon as possible. Meantime, a message from him to the Vichy Government would be sent through Sir S. Hoare at Madrid, urging them to take no irrevocable decision pending his return.

(Intld.) W.S.

25th October, 1940.

Copy

(C 11442/G)

/Memorandum by Monsieur Rougier./

ENTRETIEN AVEC WEYGAND

1. Point de vue de l'Angleterre

A. Decision du peuple et du gouvernement Britanniques de mener la guerre jusqu'a l'effondrement de L'Hitlerisme

Fausses idées que l'on se fait sur les effets des bombardements de Londres - Le peuple est stoique, joyeux même et accepte le risque des bombardements - La vie quotidienne poursuit son cours - Nécessité d'abandonner l'idée qu'une fatigue collective puisse imposer au gouvernement de signer un paix de compromis. Le peuple le plus pacifique du monde accepte de se transformer en uné énorme machine de guerre. Rôle significatif des femmes dans cette mobilisation de toute la nation (divers services auxiliaires).

B. Capacité du gouvernement britannique de poursuivre la guerre

1. Appui financier total des Etats-Unis

2. Accroissement de l'appareil militaire: Bombardiers avec un rayon d'action permettant de bombarder toutes les villes d'Italie en partant de l'Egypte. Maîtrise de l'air. /in 1941/.

C. Durée probable de la guerre suivant l'attitude de l'Empire français

1. Avec une révolte de l'Afrique du Nord permettant d'établir des bases en Tunisie: 1 an

/These are his own estimates/

2. Sans bases en Tunisie, mais avec la possibilité d'arrêter la pénétration allemande en direction du Canal de Suez et de l'Irak: 2 ou 3 ans.

3. Avec perte de la Mediterranée et de l'Egypte: 10 ans.

L'attitude de l'Empire français peut donc décider de la durée de la guerre et par suite du sort matérial et moral des populations de l'Europe. Une responsabilité énorme pèse donc sur les épaules des chefs responsables de l'Empire.

D. Décision de la Grande Bretagne à l'égard de la France

a) La rébablir dans son étendue et sa souvernainté si elle ne fait rien pour aider la victoire des Totalitaires et, a fortiori si elle contribue à la victoire britannique.

/1r/

/If General Weygand will raise the standard in North Africa, he can count on the renewal of the whole-hearted collaboration of the governments and peoples of the British Empire, and a share of the assistance afforded by the United States/.

b) Au cas où le gouvernement français céderait des bases aeriennes et navales aux Totalitaires, la Grande Britagne ne repondrait plus du sort futur de la France et de son empire.

/E) In such case, Great Britain would do everything in her power to strike at a Government that had been guilty of so base a betrayal/.

E. Attenuation de blocus au cas où la France suit passivement soit activement aiderait la victoire britannique

II. Point de vue de la France

A. Point de vue légal

Le gouvernement de Pétain a pris l'engagement solennel (a) de sauvegarder l'unité et l'integrité de l'empire: (b) de faire une paix dans l'honneur qui exclut la cession de la flotte et des bases dans les colonies. Or, en proie au chantage d'Hitler qui détient des gages terribles (2.300,000 prisonniers, 2/3 de la France) il ne peut tenir ses engagements envers la nation.

Les chefs de l'empire, par contre, qui ne sont pas battus ont le devoir de faire respecter les engagements et la consigne d'honneur du Maréchal en soulevant l'Empire. Ils interprétent ainsi la veritable volunté de la nation.

B. Point de vue religieux

Accepter la paix allemande, c'est accepter le triomphe d'idéologies dénoncées come antichrétiennes par le Saint-Siege.

C. Point de vue moral

Accepter la paix allemande, alors que de petits peuples comme la Hollande, la Belgique, la Norvège, la Grèce ne l'acceptent pas, c'est déshonorer le peuple français devant l'Histoire.

/Effect of such capitulation on United States. (V. President's message)/.

D. Avenir de la France

Accepter la paix hitlerienne, c'est devenir une nation associée au brigandage hitlerien de 4e rang, après l'Italie et l'Espagne. C'est rejeter toutes les valeurs spirituelles qui font que la France a une signification universelle dans le monde.

/C'est

C'est du reste courir à une nouvelle défaite, car, à la fin la victoire appartiendra aux peuples qui tiennent la mer et qui combattent pour un idéal consciemment accepté. C'est courir à une révolution intérieure terrible, car un jour ou l'autre le peuple de France demandra des comptes à son gouvernement et à son armée.

E. Point de vue de l'armée

C'est la seule façon de sauver le prestige de l'armée et de la tradition française et son prestige à lui, Weygand.

III. Secours immédiats et progressifs que la Grande Bretagne pourrait apporter aux chefs de l'empire

A. Nécessité d'envoyer un officier à Gibraltar ou à Londres.

B. Secours immédiat de pétrole, produits alimentaires, munitions de guerre, etc.

IV. Le cas du Général de Gaulle

[We shall do our best in this sense: but we cannot speak definitely for General de Gaulle.]

Son acceptation de rentrer sous l'obédience de Weygand au cas où Weygand soulèverait l'empire.

Copy
(C 13251/G)

Extract from a letter from M. Rougier to the Prime Minister and Lord Halifax.

(Translation)

Mr. Prime Minister,
Dear Lord Halifax,

Lisbon, December 5, 1940.

I have brought back from Vichy three assurances from Marshal Pétain which he asked me to communicate to you:-

(i) France will not sign a separate peace with the Axis before the end of hostilities between England and Germany.

(ii) France will not surrender air or naval bases or her fleet to the Axis Powers and will resist in North Africa by force of arms any attempt on the part of the Spaniards, Germans or Italians to take possession of her colonies.

(iii) France accepts as a fait accompli until the end of hostilities the subjection of French Equatorial Africa to de Gaulle, it being understood that French Equatorial Africa will be returned to her at the end of hostilities and that no fresh operation will be directed against French West Africa, Morocco or North Africa.

This third condition was the most difficult to secure, Darlan and Laval wishing to send the fleet to recapture Libreville. This result is due in large part to my personal intervention.

I think I have thus attained my first objective: to prevent the irreparable between England and France. I think I have thus spared Great Britain the loss of a great number of human lives and of millions of pounds sterling. I think I have spared France a new catastrophe in which her honour would have foundered.

I am sending you through Sir Noel Charles a series of notes relating to the relaxation of the blockade, British broadcasts in French, the special position of Morocco, the attitude to be adopted towards Weygand, etc. I beg you to be guided by them for the good of our two countries and the successful outcome of the war . . . . . .

(Signed) LOUIS ROUGIER.

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NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z 2766/255/G

Draft.

H.M. Amb.
Washington.
tel. No. 2086.
dated March 5th
repeat Paris No. 450
Cypher

~~Foreign~~

Depr. No. 2.

pm 4/3

Date 5/3/43 124

Immediate ~~& Secret~~ Despatched 1.20/m

~~Secret~~ Personal

Your tel. No. 1344 [of Feb. 28th: alleged agreement with PETAIN].

For your own information I am considering whether possible an early statement in Parliament giving briefly the facts of our abortive attempts to reach some understanding with Vichy in ~~during~~ 1940, including our dealings with ROUGIER but without mentioning his name.

I imagine that you wd. see no objection to this. In any case

case I will telegraph the text to you first. ~~for your comments~~

2. Meanwhile I suggest that you ~~may~~ tell enquirers that, ~~the story is completely~~ although HMG. maintained certain indirect contacts with the Vichy Govt. during 1940 in the hopes of strengthening their resistance to German demands; that these contacts never resulted in producing even the first basis for an agreement ~~no record~~ ~~that there was never any question laying~~ ~~the failure of Vichy to give satisfactory assurances on points~~ ~~(4) & (5) of your tel. No. 1343~~ ~~[of Feb. 28th]~~ ; that there was never any question of HMG giving for their part giving an undertaking on the lines of point (3) of your tel. No. 1343.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Green 126

(Z 2766/255/G)

[CYPHER] DEPARTMENTAL No. 2.

FROM FOREIGN OFFICE TO WASHINGTON.

No. 2086. D. 1.20 p.m. 5th March, 1945.
5th March, 1945.

Repeated to Paris No. 450.

S S S

IMMEDIATE.
PERSONAL.

Your telegram No. 1344 [of February 28th: alleged agreement with Petain].

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2. Meanwhile I suggest that you tell enquirers that His Majesty's Government maintained certain indirect contacts with the Vichy Government during 1940 in the hope of strengthening their resistance to German demands; that these contacts never resulted in producing even the first basis for an agreement; that there was never any question of His Majesty's Government for their part, giving an undertaking on the lines of point (3) of your telegram No. 1345.

(OTP)

2

Z 2766 / GT 1 127

9 MAR 1945

7/3

Alleged Pact with Pétain.

The attached memorandum has been prepared by Mr. Speaight for the information of the Prime Minister on the story of the alleged Pétain pact. If the Secretary of State agrees, it could be sent over to No. 10 as the Prime Minister has asked for information.

The story has been exploited in the American and British press and the News Department report that they are experiencing considerable pressure for more information. The story will certainly be revived in connexion with the Flandin trial and it is suggested that it could best be laid to rest by a Parliamentary Question. It is in any case not impossible that a Parliamentary Question may be asked as it is. The Secretary of State might therefore like to suggest to the Prime Minister that the matter should be cleared up once and for all in this way.

As regards Lord Halifax who has asked for early views (see Z 2801 and 2817), it is suggested that we should send him the attached telegram, since he was Foreign Secretary at the time, indicating the line which he should take in answer to enquiries.

sent pm 5/3

Mr. Duff Cooper is also anxious for guidance (see Z 2766) and it is proposed to send him a full documentation of the correspondence for his own information and authorise him to take the same line in answer to enquiries as Lord Halifax.

heavy sent pm

H Dalton

2nd March, 1945.

D Margaret Bruce 3.

Eman 3

I submit draft minute to P.M. R.L. Speaight 5/3

Eman who dictated the telephone letter sent this morning.

Registry No.

6/3/45 Secret typed

PM/45/86.

Draft. Minute to the P.M. from S. of S.

Prime Minister

I enclose the note for which you asked on the alleged agreement with Pétain in 1940. [2.] This story has appeared in the American & French press, as well as in the "Daily Express". Halifax & Duff Cooper have both asked for guidance. I have authorized them to ~~say that~~ tell enquirers that

/ H.M.G.

R.H. Spearman 5/3

5/iii

NOTHING TO BE WRITTEN IN THIS MARGIN.

H.M.G. maintained certain indirect contacts with Vichy during 1940 in the hope of strengthening their resistance to German demands, but that these contacts never resulted in even the first basis for an agreement. I am also seeing that they are fully documented on the file.

3. We shall probably hear more of this story and I think that the best way of stopping such mischief would be by a brief statement in Parliament of what really happened. If you agree, I will arrange for this to be done through a P.Q.

NOTHING TO BE WRITTEN IN THIS MARGIN.

P.M./45/85.

PRIME MINISTER.

I enclose the note for which you asked on the alleged agreement with Pétain in 1940.

2. This story has appeared in the American and French press, as well as the "Daily Express" and Halifax and Duff Cooper have both asked for guidance. I have authorized them to tell enquirers that His Majesty's Government maintained certain indirect contacts with Vichy during 1940 in the hope of strengthening their resistance to German demands, but that these contacts never resulted in even the first basis for an agreement. I am also seeing that they are fully documented on the fact.

3. We shall probably hear more of this story and I think that the best way of stopping such mischief would be by a brief statement in Parliament of what really happened. If you agree, I will arrange for this to be done through a Parliamentary Question.

(Sd.) ANTHONY EDEN.

6th March, 1945.

NOTHING TO BE WRITTEN IN THIS MARGIN.

DRAFT MEMORANDUM

Double Space

3c final form

131

The Prime Minister's Alleged "Secret Agreement" with Pétain.

This story almost certainly originates with a Frenchman named Rougier, whom Pétain used as a go-between with us in 1940 and who also made contact with Weygand on our behalf.

2. Rougier turned up at Lisbon in October, 1940, alleging that he had an unofficial mission to H.M. Government from Pétain. He was brought to London where he saw the Prime Minister and Lord Halifax. It was arranged that he should go to North Africa to see Weygand. On the basis of his talks here he drew up a series of notes for use with Weygand which he showed us and which we corrected in places. A summary of the notes was telegraphed to Madrid in our telegram No. 972 of November 1st (~~copy attached~~ annex 1). After seeing Weygand, Rougier proceeded to Vichy and had conversations with Pétain, of which he sent us a report, but he was never given any message from us to Pétain and had no mandate to negotiate with Pétain on our behalf.

R.L. Speaight 1/3

flag D

flag C (see W.P.(40) 486 of Dec. 19, 1940)

3. After seeing Pétain, Rougier went direct to the United States, where, so far as we know, he has remained ever since. There he behaved very mischievously, becoming fanatically anti-Gaullist and later anti-British as well. In December, 1942, he wrote to Lord Halifax announcing his intention of publishing the details of what he styled the negotiations which he had conducted with Vichy on our behalf.

With/

With the Secretary of State's approval Lord Halifax replied that it would be most improper for him to do this without the consent of H.M. Government, which could not be given. Further correspondence ensued and Rougier's letters became increasingly wild and offensive. In spite of Lord Halifax's efforts to disillusion him he maintained that H.M. Government had concluded a secret agreement with Vichy through his intermediary in 1940 and chose to regard our denial of this fact as proof of double dealing on our part.

4. Rougier based his contention about the secret agreement on three alleged documents: 1) a record of his interview with the Prime Minister prepared by himself and corrected by Mr. Churchill personally, 2) 2) an autograph letter of November 5th, 1940, from the Prime Minister to Weygand, 3) a telegram of November 21st, 1940, from the Foreign Office to a Count van den Heuvel, allegedly H.M. Consul-General in Geneva, containing a message for himself in which we were supposed to have accepted certain assurances given him by Vichy as constituting "a provisional arrangement".

Enquiries in the Foreign Office established the following facts about these "documents". As regards (1), the only known record of the interview with the Prime Minister was made by Sir William Strang (annex 2) ~~who was present (see copy attached)~~; but it would seem more likely that Rougier was referring to his notes for use with

from information given to him by Lord Halifax, who was also present at the interview.

flag A

Weygand/

NOTHING TO BE WRITTEN IN THIS MARGIN.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Weygand: a copy of these notes in our archives bears manuscript corrections by both Lord Halifax and Sir W. Strang, but there was no ~~reason~~ record to ~~suppose~~ show that the Prime Minister had himself corrected or, indeed, even seen them. As regards (2), there is no trace of the Prime Minister ever having written personally to Weygand at that time, although he did send him a letter in January, 1941, through a different channel.

As regards (3), no such telegram was ever sent and Count van den Heuvel was unknown here.

5. In July, 1944, the "Chicago Tribune" informed H.M. Embassy at Washington that they had obtained possession of secret documents relating to an agreement between the Prime Minister and Pétain in 1940, and suggested that Lord Halifax might like to discuss the documents with them. There was very strong circumstantial evidence that the "documents" in question were those mentioned above and that the paper had obtained them from Rougier. Lord Halifax, who was in London at the time, was consulted. It was agreed that little harm would be done if the "Chicago Tribune" decided to publish the "documents", and on our advice Lord Halifax telegraphed to the Embassy instructing them to tell the paper that he could not form any opinion until he had seen the documents but that he had no knowledge of any agreement of the nature alleged. Nothing more was heard of the matter and it is presumed that the paper let it

drop/

drop. Copies of the telegrams from and to Washington were sent to Sir Desmond Morton at the time, with a short account of the background (Mr. Mack's letter Z 4623/4623/G of July 19th, 1944).

6. The story has now cropped up again in Paris, where M. Flandin is said to have made use of it in the course of his examination. H.M. Chargé d'Affaires reported the matter in his telegram No. 98 Saving (~~copy attached~~ annex 3). He has also sent us an extract from a document in the possession of M. Flandin's brother (~~copy~~ (annex 4) ~~attached~~), which is apparently the basis of M. Flandin's remarks. We are not told the author of this document but it clearly derives from Rougier. The first two sections of the "agreement" which it purports to summarise follow the lines of Rougier's notes for his talk with Weygand, ~~but~~ the remainder is sheer invention, ~~but~~ it is probable that the inventor had ~~the~~ our (via the British & French Embassies in Madrid) ~~obtaining~~ exchanges with Vichy during the second half of 1940 when we were seeking assurances from Vichy that they would not offer themselves to the Germans, allow the Germans into French Africa or themselves attack the free French colonies, were prepared in return to allow certain relaxation of the blockade. The assurances were never given & the exchanges came to nothing. There was never any question of our undertaking to refrain from attacks on Pétain or /action

NOTHING TO BE WRITTEN IN THIS MARGIN.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No.

Draft.

action against the Vichy colonies. It is relevant that our last communication to Vichy through this channel was, which remained unanswered, was made a few weeks before M. Flandin's appt as Foreign Minister in Dec. 1940. The deduction is that M. Flandin, far from having sought an agreement with us, was himself responsible for breaking off the negotiations.

7. The same story has now appeared in the "New York Times" - see W'ton tels. No. 1343 & 1344 (annexes 5 & 6). The summary of the "agreement" in tel. No. 1343 is corresponds with

/ that

that given in the Flandin document except that it mentions an additional (& equally fictitious) Vichy undertaking not to scuttle the fleet.

F. O.

Mar. 1st 1945.

RM

5/iii

136

NOTHING TO BE WRITTEN IN THIS MARGIN.

MEMORANDUM.

The Prime Minister's alleged "Secret Agreement" with Pétain.

This story almost certainly originates with a Frenchman named Rougier, whom Pétain used as a go-between with us in 1940, and who also made contact with Weygand on our behalf.

2. Rougier turned up at Lisbon in October, 1940, alleging that he had an unofficial mission to His Majesty's Government from Pétain. He was brought to London where he saw the Prime Minister and Lord Halifax. It was arranged that he should go to North Africa to see Weygand. On the basis of his talks here he drew up a series of notes for use with Weygand which he showed us and which we corrected in places. A summary of the notes was telegraphed to Madrid in our telegram No.972 of the 1st November (Annex 1). After seeing Weygand, Rougier proceeded to Vichy and had conversations with Pétain, of which he sent us a report, (see W.P.(40)486 of the 19th December, 1940) but he was never given any message from us to Pétain and had no mandate to negotiate with Pétain on our behalf.

3. After seeing Pétain, Rougier went direct to the United States, where, so far as we know, he has remained ever since. There he behaved very mischievously, becoming fanatically anti-Gaullist and later anti-British as well. In December, 1942, he wrote to Lord Halifax announcing his intention of publishing the details of what he styled the negotiations which he had conducted with Vichy on our behalf. With the Secretary of State's approval Lord Halifax replied that it would be most improper for him to do this without the consent of His Majesty's Government, which could not be given. Further correspondence ensued and Rougier's letters

begans/

became increasingly wild and offensive. In spite of Lord Halifax's efforts to disillusion him he maintained that His Majesty's Government had concluded a secret agreement with Vichy through his intermediary in 1940 and chose to regard our denial of this fact as proof of double dealing on our part.

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1) a record of his interview with the Prime Minister prepared by himself and corrected by Mr. Churchill personally,

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3) a telegram of the 21st November, 1940, from the Foreign Office to a Count van den Heuvel, allegedly His Majesty's Consul-General in Geneva, containing a message for himself in which we were supposed to have accepted certain assurances given him by Vichy as constituting "a provisional arrangement".

Enquiries in the Foreign Office established the following facts about these "documents". As regards (1), the only known record of the interview with the Prime Minister was made by Sir William Strang from information given to him by Lord Halifax, who was also present at the interview, (annex 2); but it would seem more likely that Rougier was referring to his notes for use with Weygand: a copy of these notes in our archives bears manuscript corrections by both Lord Halifax and Sir William Strang, but there is no record to show that the Prime Minister had himself corrected or, indeed, even seen them. As regards (2), there is no trace of the Prime Minister ever having written

personally/

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6. The story has now cropped up again in Paris, where M. Flandin is said to have made use of it in the course of his examination. His Majesty's Chargé d'Affaires reported the matter in his telegram No.98 Saving (Annex 3). He has also sent us an extract from a document in the possession of M. Flandin's brother (Annex 4) which is apparently the basis of M. Flandin's remarks. We are not told the author of this document

but/

but it clearly derives from Rougier. The first two sections of the "agreement" which it purports to summarise follow the lines of Rougier's notes for his talk with Weygand. The remainder is sheer invention, but it is probable that the inventor had knowledge of our abortive exchanges with Vichy via the British and French Embassies in Madrid during the second half of 1940, when we were seeking assurances from Vichy that they would not offer their fleet to the Germans, allow the Germans into French Africa or themselves attack the Free French colonies and were prepared in return to allow certain relaxations of the blockade. The assurances were never given and the exchanges came to nothing. There was never any question of us undertaking to refrain from attacks on Pétain or action against the Vichy colonies. It is relevant that our last communication to Vichy through this channel, which remained unanswered, was made a few weeks before M. Flandin's appointment as Foreign Minister in December 1940. The deduction is that M. Flandin, far from having sought an agreement with us, was himself responsible for breaking off the negotiations.

No WSC 16.3

7. The same story has now appeared in the "New York Times" - see Washington telegrams Nos. 1343 and 1344 (annexes 5 and 6). The summary of the "agreement" in telegram No.1343 corresponds with that given in the Flandin document except that it mentions an additional (and equally fictitious) Vichy undertaking not to scuttle the fleet.

FOREIGN OFFICE, S.W.1.

5th March, 1945.

Copy

(C 11442/G). DEPARTMENTAL. (SECRET)

Cypher telegram to Sir S. Hoare, (Madrid).

Foreign Office 1st November, 1940. 4.40 p.m.

No. 972.

SECRET.

My telegram No. 958 [of October 30th: Professor Rougier].

While here Rougier prepared notes for the talk he hopes to have with Weygand. He showed us these notes and we suggested certain amendments which he accepted. Full text follows by next air bag.

2. Following is summary of the main points concerning this country:-

(a) British morale is splendid. Idea that the people, demoralised by bombing, will insist on a compromise peace is entirely mistaken.

(b) We have the financial means (thanks to the United States) and the armaments to enable us to continue the war. We should have control of the air in 1941.

(c) With bases in Tunisia we could win the war in one year: without them but with power to hold the Suez Canal and Iraq, in two or three years: with the Mediterranean and Egypt lost, in ten years. (These are Rougier's own estimates, not ours). (These are Rougier's own estimates, not ours). Length of war thus depends on the attitude of the French Empire whose leaders bear a heavy responsibility.

(d) We shall restore the French Empire if France does not help our enemies; if he rejoins us Weygand can count on an wholehearted collaboration and a share in United States assistance. We shall not answer for the future of France and her Empire if naval or air bases are surrendered and shall attack the Government responsible for their surrender.

(e) Active or passive assistance from France would mean some relaxation in the blockade.

3. Notes then go on to sketch out lines of appeal to Weygand, to consider mechanism of contact between him and ourselves and to hint at possibility that de Gaulle might subordinate himself to him.

Repeated to Tangier No. 291.

142

Copy

(Z 2766/255/G) TOP SECRET.

Extract from a Confidential document: "Le Gouvernement de Pétain étant le Gouvernement de la trahison.."

Les 24 et 26 octobre 1940, un envoyé du Maréchal Pétain était reçu à Londres par M. Winston Churchill. Il était porteur d'assurances, de propositions et de demandes du Gouvernement français. Après une confrontation des points de vue britannique et français, les résultats acquis furent consignés dans un texte dactylographié, rédigé dans le cabinet de M. Strang du Foreign Office, en date du 18 octobre 1940, texte qui fut soumis aux corrections et à l'approbation du Premier Ministre. Le Maréchal Pétain reçut communication du texte des projets d'accord, accompagné d'un mémoire, le 10 novembre 1940. Ils furent ratifiés le 11 novembre par lui, selon une procécure qui avait été convenue d'avance, et par l'intérmédiaire de notre poste diplomatique de Madrid. Ils furent confirmés, après la ratification du Maréchal Pétain, par un télégramme du Foreign Office en date du 21 novembre, sous couvert du Consulat Général de Grande-Britagne à Genève.

Je fais observer que toutes ses dates sont postérieures à Montoire.

Et voici, maintenant, le contenu de ces accords:-

Engagement de la Grande Bretagne à l'Egard de la France

a) La Grande Bretagne rétablira dans son intégrité et sa souveraineté la France, si elle ne fait rien pour aider la victoire des totalitaires, et, à fortiori, si elle contribue à la victoire britannique.

b) Au cas où le Gouvernement français cèderait des bases aériennes et navales aux totalitaires, la Grande-Bretagne ne répondrait plus du sort futur de la France et de son Empire.

Attenuation du Blocus

1) Le Gouvernement britanniques assimilera à du cabotage qui ne tombe pas sous le blocus - le transport des denrées coloniales de Dakar, de Casablanca et des parts nord-africains aux ports de Provence.

2) Le Gouvernement anglais enverra à Madrid un expert économique qui s'endendra avec un expert économiqué français au sujet d'echanges éventuels avec la Maroc.

Accord sur le Status des Colonies Françaises Fidèles à Vichy

1) Le Gouvernement anglais s'engage à ne plus chercher à prendre par la force ou à débaucher par la propagande

/les

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les colonies françaises demeurées fidèles au Gouvernement de Vichy.

2) Toute agression anglaise contre les colonies françaises sera repoussée par les armes pour éviter la défense conjointe par l'Axe desdites colonies, ce qui équivaudrait à céder à l'Axe les colonies françaises et leurs bases.

Accord sur la Radio

Le radio britannique s'abstiendra de toute critique à l'égard de la personne du Chef de l'Etat français, le Maréchal Pétain.

Engagements de la France Concernant les Colonies et les Bases

1) Le Gouvernement français s'engage à ne pas chercher à reprendre par la forces les colonies passées à de Gaulle.

2) Le Gouvernement français s'engage à ne céder à l'Axe ni les ports de Provence, ni les bases de l'Afrique du Nord, du Maroc et de l'Afrique Occidentale.

3) Le Gouvernement Français remettra l'Empire dans la guerre le jour où les Anglais et leurs alliés éventuels auront fait la preuve de leur force, seront à même de débarquer en nombre et d'équiper les troupes coloniales

françaises,/-

Z 4

Z

1945

FRANCE

1944

Z 2801

1 MAR 1945

Registry Number Z 2801/255/17

TELEGRAM FROM

Earl of Halifax.

No. Washington. 1343

Dated 28th Feb:1945

Received in Registry 1st Mar:1945

Z : France. +

Terms of alleged secret agreement between the Prime Minister and Petain.

Gives terms of alleged secret agreement between the Prime Minister and Petain in November 1940 published in the New York Times of 27th February emerging from a secret preliminary hearing. of the case against Flandin, Mr. Harold Callender states that Flandin will use this as a defence of his policy during his trial for collaboration. Repeated Paris 41.

Last Paper.

Z 2466/4 (2557)

References.

Z 2466/255/9

(Minutes.)

See on Z 2766/G.

pres 1/3

(Print.)

(How disposed of.)

(Action completed.)	(Index.)
9/3/45	12/3/45

Next Paper.

Z 2817 (Z 2966)

22175 2 41 F.O.P.

145

Z 2801

1 MAR 1945

[EN CLAIR]

GENERAL DISTRIBUTION

FROM WASHINGTON TO FOREIGN OFFICE

Earl of Halifax
No. 1343 D. 10.35 p.m. 28th February, 1945
28th February, 1945 R. 6.40 a.m. 1st March, 1945

Repeated to Paris telegram No. 41

g g g g g

IMMEDIATE

In an article published in the New York Times of February 27th with a Paris dateline of February 26th Harold Callender states that it emerged from a secret preliminary hearing in Paris of the case against Flandin that he will probably plead if he is tried that when he accepted his post in the Vichy Cabinet Pétain had just made a secret agreement with Britain that indicated that he intended to bring France back into the war on the Allies' side.

2. The agreement is said to have been studied by Pétain and then sent to London by a special emissary on August 26th 1940 where it was examined by Sir William Strang and approved by the Prime Minister. The agreement was returned to Pétain on November 10th 1940, who ratified it through the French Embassy in Madrid while the British ratified it on November 21st 1940 through their Consulate in Geneva.

3. The agrément was said to be in five parts

(1) Britain agreed to restore France in her entirety if she did nothing to aid the Axis but if she ceded air or naval bases to the Axis Britain would be released from this engagement.

(2) Britain would consider shipments from Dakar and Casablanca to France to be coastwide trade and exempt from the blockade.

(3) Britain would cease taking any action against French colonies by force or propaganda.

(4) The Vichy Government would not use force against the colonies adhering to General Charles de Gaulle and would throw the French Imperial Forces into the war on the Allies' side if and when the Allies proved that they could land in the French colonies and equip the French colonial forces.

(5) The Vichy régime agreed to scuttle the French fleet before letting it fall into the hands of the Germans or the Italians.

WAR CABINET MINISTRY

4.....

Z 2801
MAR 1945

146

4. Callender says that officials of the present French Government when asked about this agreement said that the British parts of it were a matter of official record in the French Foreign Office they declined however to say whether the Vichy régime had undertaken the engagements that were to be the counterparts of the British engagements. They confirmed that negotiations of this kind between Vichy and London had taken place through Madrid.

5. Callender says that Flandin's purpose in citing the alleged agreement is to show that he had good reason to believe that the Pétain Cabinet was double-crossing the Germans and that therefore his acceptance of a Cabinet post was not against the interest of France. The agreement was said to have been concluded without the knowledge of Laval.

6. Callender draws the moral that in the autumn of 1940 Britain was therefore following the same policy as Washington towards Vichy, the policy for which Washington has so often been condemned.

.....

2 1945

WESTERN

Z 2817 /G 147

1 MAR 1945

Z 2817 /255/5 14

East of Halifax
to Ldn
1344
Dated 28 Feb
Received 1 March

France : Case of M. Flandin

Refs to to Ldn tel 1343 (Z 2801/255/5) states that M. Flandin evidently referred to exchanges made through intermediary of Rougier.

Last Paper.
Z 2466

References.
Z 4623/4623/5.

(Minutes.)

See on Z 2766/5.

pm 1/3

(Print.)

(How disposed of.)

(Action completed.)

D.F.Y/3

(Index.)

Next Paper.

Z 3056

[CIPHER] DEPARTMENTAL 1 MAR 1945

FROM WASHINGTON TO FOREIGN OFFICE

148

Earl of Halifax
No. 1344
28th February, 1945

D: 3. 10 a.m. 1st March, 1945
R: 9. 20 a.m. 1st March, 1945

Repeated to Paris telegram No. 42

p p p

IMMEDIATE

Secret

My immediately preceding telegram.

Flandin evidently referred to exchanges made through intermediary of Rougier.

2. You will remember that Rougier and Chicago Tribune have both threatened in the past to publish certain documents connected with this affair, including correspondence with the Embassy. See Mack's letter No. Z4623/3623/G to Morton of July 19th 1944 and previous correspondence. For this reason and because of general interest on the subject we here are likely to be questioned by the press and others about Callender's story. We shall try to avoid any comment, but may be pressed.

3. I shall be grateful for your very early views as to the line we should take with enquirers.

O.T.P.

MAR 1945
F. O. REGISTRY

26

1945

Z

FRANCE

1149

Z.2383

2 MAR 1945

Registry Number: Z 2883/255/17

FROM Mr. M. Wright, British Embassy, Washington to Mr. R.L. Speaight.

Secret 1149/-/45.

Dated 22nd Feb., 1945.

Received in Registry 2nd March, 1945.

Z: France.

Mr. Murphy's support of the French collaborators Rigaud and Lemaigre, in North Africa.

Encloses copy of an article by Peter Stevens called "Murphy Will Out" extracted from "The Nation" of 27th January. States that the writer was apparently in North Africa throughout the Darlan-Giraud period, and adds that Kenneth Pendar, mentioned in the article as having sheltered Rigaud in Marrakesh, is now Washington and is still anti-de Gaulle. The article deals with Murphy's support of two collaborators, Rigaud and Lemaigre-Dubreuil, and gives an account of their activities.
Copied Mr. Holman, Paris.

Last Paper.

Z 2817

References.

(Print.)

(How disposed of.)

By Sir D. Morton, No. 10 hours 8

(Minutes.)

Copy ~~Mr. Eccles~~ Sir D. Morton. Dorman 6/3

~~Mr. Broadmead~~

N. A./Dept 6/3

D 3/3

The article slightly exaggerates both Mr. Murphy's rôle & the emergence of Lemaigre & Rigaud, but its story is in the main only too true. There is & no doubt that the two men escaped into Spanish Morocco with American assistance. The circumstances would be interesting — & highly embarrassing for the State Dept.

pres. 7/3

What appears in The Nation, one of the more sophisticated "liberal" journals, will not necessarily affect things much unless echoed elsewhere.

J. G. Donnelly 9/3

Dorman 9/3

(Action completed.) 6/3

(Index.) 11/12/46 gmd

Next Paper.

22966

25695 7/43 F.O.P.

150 MKR

enclosure

BRITISH EMBASSY,
WASHINGTON 8, D. C.

SECRET

Z 2383
2 MAR 1945

February 22nd, 1945.

Ref:1149/ /45

My Dear Speaight,

You will be interested to read the enclosed article "Murphy Will Out" published in "The Nation" of January 27th by an American journalist who was apparently in North Africa through the Darlan-Giraud period.

The Kenneth Pendar mentioned as having sheltered Rigaud at Marrakech has been in Washington for some time. He, for his part, has lost none of his hatred and fear of de Gaulle and all his works.

I am sending a copy of this letter and its enclosure to Adrian Holman in Paris.

Yours ever
Michael Wright

Richard L. Speaight, Esq.,
Foreign Office,
London, S.W.1.

EXTRACT FROM "THE NATION" OF JANUARY 27th.

151

MURPHY WILL OUT

By Peter Stevens.

ON JANUARY 5, the New York Herald Tribune published a U.P. dispatch from Paris reporting the arrest there of Jacques Lemaigre-Dubreuil and Jean Rigaud on charges of "endangering the security of the state". Every American who was in North Africa knows that when these two men are placed on trial before the French High Court, there will loom behind them the absent figure of Robert Murphy, formerly the President's personal representative in Algiers. For it was Murphy, who was the architect of the reactionary American policies which we sought to impose on the French after our landings in November, 1942; Lemaigre-Dubreuil and Rigaud were his eager collaborators.

Newspaper reports are often like icebergs; only a fraction of the real story shows above the surface. I propose to take up this U.P. dispatch paragraph by paragraph and indicate what lies in the murky depths below ... Murphy Will Out.

> Two leading supporters of Admiral Jean François Darlan, Vichy High Commissioner in North Africa, who collaborated with the Allies after they landed there in 1942 and who later was assassinated, were arrested here today and charged with "endangering the security of the state".

The pro-democratic, American-organized fifth column in French Africa had begged Murphy before the landings to drop his dealings with Darlan, Lemaigre, and Rigaud. Murphy refused because he was determined to defeat the Germans and still preserve the reactionary révolution nationale of Vichy, to which Darlan, Lemaigre, and Rigaud were openly devoted. All three men belonged to that wide circle of French fascists who wanted France to be on the winning side in the war, whichever that was, and to retain the Pétain corporate state. All three were members of the super-counter-revolutionary organization, secretly nourished since 1922 by the German General Staff, called the "Mouvement Synarchique d'Empire," or M.S.E. It was to this gang that Murphy instinctively turned, for to him the pro-democratic French were simply "that bunch of Jews and Communists".

> Jacques Lemaigre-Dubreuil, a prominent pre-war French industrialist and president of the influential French Taxpayer's League, and Jean Rigaud, who served as Minister of the Interior under Darlan, were both bitterly anti-De Gaulle in North Africa. They were placed under armed surveillance but escaped and were reported since in Spain and Portugal.

Lemaigre-Dubreuil, peanut-oil king, was also closely associated with the Banque Worms, chief German financial agent in the control of strategic French

/industries.

industries and the agency through which Germany sent money to French anti-democratic fascist organizations. Both he and Rigaud were associated with Laval in the sinister Banque Nationale pour le Commerce et L'Industrie (B.N.C.I.). Lemaigre founded the Taxpayer's League, whose chief function was to hire hoodlums to beat up French democrats and stage riots for political purposes. And he was the French chief of the foodstuffs section of the Armistice Commission in Wiesbaden, which stripped France of its food to feed the Germans. Rigaud was a high Cagoulard and is credited with organizing French participation in the murder of the Roselli brothers; the Cagoulards had them killed in France in 1938 as a favor to Ciano, the request having been relayed to them by the G-2 section (intelligence) of Marshal Badoglio's staff.

It is true that Lemaigre and Rigaud were placed under what the French call résidence forcée after De Gaulle came to Africa. De Gaulle had requested the right to arrest them and try them immediately, having evidence that both men had been in constant touch with the Vichy government since our landings. Murphy interceded for them with all the prestige of his position as the President's personal representative, and De Gaulle, threatened with the loss of Lend-Lease, gave in, as he did also in the case of Flandin and Noguès.

> They had actively supported the Allied landings in North Africa but subsequently made no secret of their hostility to the French Committee of National Liberation, which evolved into the present French government.

The two men did in fact support our landings, and they arranged for the importation of General Giraud. It is reported, however, that they profited from their knowledge of the impending landings by buying African francs on the Lisbon Exchange. It is certain that four months after the landings they, together with General Noguès, were mixed up in the smuggling of the Bank of Morocco's gold to Lisbon. No one was punished for this crime until after De Gaulle was in power, and then only the poor puppet directors of the bank. Even after De Gaulle was established in Algiers, the French reactionaries were confident that Murphy would somehow keep him out of France, and that the junta of Noguès, Lemaigre and Rigaud would then be recalled from the Iberian Peninsula, where they were reported to be using the Bank of Morocco's gold for their conspiracy.

If these men made no secret of their hostility to De Gaulle neither did their American friends and backers, especially the then Colonel, recently General, and now Assistant Secretary of State Julius Holmes, and his friendly mentor, Robert Murphy. In saying goodbye to an American returning home in the spring of 1943, Murphy said, "We are not worried about De Gaulle: we've got him lassoed!"

> French authorities were unable to ascertain how they crossed the frontier and reached Paris.

/The chances

The chances are good that they crossed the border out of Spain into France with the same assistance they had when they fled from North Africa. I was informed by a French eye-witness that the two men had crossed from French to Spanish Morocco unchallenged, thanks to American transportation facilities and the fact that their laisser-passers were either of American origin or issued on American request.

> Lemaigre-Dubreuil was said to have been instrumental in arranging the escape from France to North Africa of General Henri Honoré Giraud. Always identified with the extreme right in French politics, he at one time was suspected of being in contact with the Count of Paris, pretender to the French throne, in Algiers, and of having kept in touch with Vichy after the Allied landings. However, he was sent with Giraud's military mission to Washington and served as chief economic delegate and chief delegate for inter-Allied affairs under Giraud.

Lemaigre was instrumental in bringing Giraud to North Africa, although Giraud's departure was no "escape" but a concerted effort by the men of Vichy, through their secret "synarchy", to provide for the continuation of the New Order in France whether the Germans won or the Allies --- another example of the Janus-faced collaboration by which the anti-democratic industrialists, generals, and bankers of France sought to insure their future.

Lemaigre and Rigaud were not merely suspected, in Algiers of being in touch with the pretender, the Count of Paris; they openly boasted of it and said they would make him Lord Protector of the Realm. In this they had the support, on the quiet, of Murphy and his henchmen.

It is interesting to note that while Lemaigre was in Washington in December, 1942, as Admiral Darlan's delegate, he came to New York seeking to open an American branch of Pierre Laval's Banque Nationale pour le Commerce et l'Industrie.

> Followers of General Charles de Gaulle have never hidden their distaste for Lemaigre-Dubreuil. At London, in February, 1943, De Gaullists asserted that "his policy has always been directed toward the exclusion of democratic elements from French resistance forces wherever they be."

To an American who was in North Africa this must seem a most moderate understatement of Lemaigre-Dubreuil's (and Rigaud's) policy. Every discouraged French democrat in Algeria and Morocco in 1942-43 also knew that in pursuing it both men had the unofficial but whole-hearted backing of Murphy. To suppress democracy had been the political objective of Lemaigre and Rigaud for twenty years. To this end they had tirelessly conspired with Petain and Weygand to kill the Third Republic, using such organizations as the M.S.E.,

/the Cagoulards,

the Cagoulards, the Taxpayers' League, and the reactionary press. "Petain shall Rule" was their motto before the war began, and their intention was openly published in their press.

It was these two men, as the real power behind General Giraud, who insisted on keeping the 15,000 political prisoners and refugees in concentration camps in North Africa, where they remained six months after we landed. Many of these internees had merely committed the crime of joining the Foreign Legion to fight for France in 1939 against the Germans or of resisting the Vichy-Axis regime in North Africa before the landings.

Murphy informed the President at Casablanca in January, 1943, that there were no longer any political prisoners in North Africa, and the President was credulous enough to repeat it on the radio. That same week I personally counted more than 7,500 such prisoners, many of them French citizens, being used in the killing slave labor of building the Trans-Sahara Railway, which would have connected Lemaigre's Senegal holdings with North Africa. Most of these poor devils were intellectuals or middle-class Europeans, unused to the fierce heat and hard labor; they received four cents a day, and died like flies. The brutality of these camps surpassed that of the German Dachau.

The persecution and disfranchisement of the Jews, the summary arrest and imprisonment of Gaullists, and the imprisonment of Communist deputies continued under Rigaud and Lemaigre with the protection of Murphy and his cover-all phrase "military necessity".

> Lemaigre-Dubreuil and Rigaud, who had been Giraud's Secretary of Political Affairs, both resigned their posts in March, 1943, as a part of the general house-cleaning of anti-democratic forces from the Giraud regime. Rigaud was identified as a former Cagoulard (hooded man, or pro-fascist), and in his North African post he held power over the civilian police, which he was said to have used to spy on De Gaullists.

Both men resigned their posts, following the lead of General Bergeret, former Minister of Aviation at Vichy, who was also in Giraud's Cabinet. They resigned because on March 14, 1943, Giraud, under the pressure of American public opinion, which had begun to protest against the fascist smell of Murphy's North African version of Vichy, made a mildly pro-democratic speech. (Most of the minor political reforms promised in this speech were postponed under the excuse of military necessity and were actually not enforced until De Gaulle arrived). But both men continued to be close to Murphy, going in and out of his great villa on the Rue Michelet and apparently serving as his advisers.

/Rigaud,

Rigaud, fascist and Cagoulard, had indeed controlled the police. He had done this by means of a coup d'état a week after the assassination of Admiral Darlan. In the middle of the night he ordered the arrest of Chiefs of Policy Achiary and Bringard and of a dozen other influential democrats who had aided our landing at Algiers and had in fact made it possible and nearly bloodless. Rigaud accused these men of complicity in the Darlan shooting and without a hearing hurried them off to a fort in the desert. Murphy went through the formality of a polite protest, but he and his office were unable to hide their thorough agreement with Rigaud's action. The men were kept in prison long enough for Rigaud to complete the task of making the Algerian police force his tool.

No longer fearing the police, Rigaud and Lemaigre were able to get on with their schemes for a super-Vichy regime under the Count of Paris. The S.O.L., Pétain's storm troopers, came out again and openly preached fascism and even defeatism. Murphy remained silent.

> Both men fled to Spanish Morocco in May, 1944, after they were placed under police surveillance in Algiers. They are believed to have reached Spain from there. If they had not fled, it was reported they would have been arrested "for plotting against the state". (End of U.P.dispatch).

Here the U.P.dispatch has become vague; nothing is said of the whereabouts of Lemaigre and Rigaud between June, 1943, when De Gaulle came to North Africa, and May, 1944, when they are reported as "fleeing" to Spanish Morocco and Spain.

When the new French government made moves to arrest these men in June,1943, it found them secretly protected by the Americans. In the case of Rigaud, the evidence of his conspiracy with the Count of Paris and his constant maintenance of contacts with Vichy was so complete that the Algiers government finally felt it could move against him despite this protection.

Rigaud fled from Algiers in an American airplane provided by Robert Murphy. He went to Casablanca. There he hid in the house of an American official and received secret messages from Murphy assuring him that his friends were all working for him in Algiers and that he should not worry. At this same time American officials answered an inquiry from M.Puaux, Resident(governor) of Morocco, by saying that they did not know Rigaud's whereabouts. Finally, through a compromise reached in Algiers by his "friends", Rigadd went into résidence forcée in Casablanca. For part of this time he was sheltered by Vice Consul Kenneth Pendar in a house in Marrakech.

Some time in June, 1943, General Nogues, the notorious pro-fascist ex-Resident of Morocco, fled, just ahead of arrest, to Spanish territory. He was followed the next month by Lemaigre-Dubreuil and Rigaud, who crossed the border in a car lent to Murphy's organization by the Civil Affairs section of the United States army.

/The U.P.

The U.P. dispatch reports Lemaigre and Rigaud fleeing from arrest in May, 1944, and does not mention their flight in July, 1943. I assume that they probably returned to French North Africa -- just as they recently arrived in Paris --either clandestinely or with some American protection. A conspiracy of such long standing, so well financed, and for such high stakes does not die easily, as their daring trip to Paris in the face of arrest proves. Both General Nogues and Lemaigre were repeatedly reported in Vichy during the fall and winter of 1943-44, when of course all France was occupied by the Germans.

If plotting against French democracy, for the monarchy, for the Vichy type of totalitarianism, and against the restoration of a republic constitutes "plotting against the state," Lemaigre and Rigaud are guilty. Will they plead that all their actions in North Africa were taken with the full approval of the American authorities? Will they seek to call Robert Murphy as a witness for their defense? In any case, even if Murphy's name is never mentioned in court, Frenchmen will not forget the role he played in the plot to circumvent the restoration of the French Republic; and for them his policies and those of the American State Department will also be on trial.

Indeed, on a wider scale, British and American policy in Greece, Belgium, and Italy will, in the eyes of European democracy, be arraigned in that French court, for the tragic pattern for many subsequent mistakes was set in North Africa. The American press ought to report on this trial in complete detail.

/smm

1945

Z

FRANCE

Z 2966
4 MAR 1945

Registry Number Z 2966/255/17

TELEGRAM FROM

Mr. Duff Cooper, Paris.

No. 378

Dated 3rd Mar:1945

Received in Registry 4th Mar:1945

Z : France. +

Denial of alleged secret agreement between the Prime Minister and Petain.

Refers to Paris telegram No. 98 Saving (Z 2551/255/17). Gives substance of official denial from London, published in "Combat " on 1st March, of a secret agreement between the Prime Minister and Petain in 1940. Asks for any information on this subject for guidance, especially text of statement.

Last Paper.

Z 2883

References.

Z 2551/255/17

(Print.)

(How disposed of.)

Tel Paris No. 456 of 5/3

(Minutes.)

Passed 5/3

Reply herewith.

pm 5/3.

(Action completed.)	(Index.)
24/3	13/12/46

Next Paper. (Z 6399)

Z 3056/

2

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[CYPHER]. DEPARTMENTAL No. 2.

FROM PARIS TO FOREIGN OFFICE.

Mr. Duff Cooper. D. N.F.T. March 3rd, 1945.
No. 378.
March 3rd, 1945. R. 5.40 p.m. BST March 3rd, 1945.

yyyyyyy

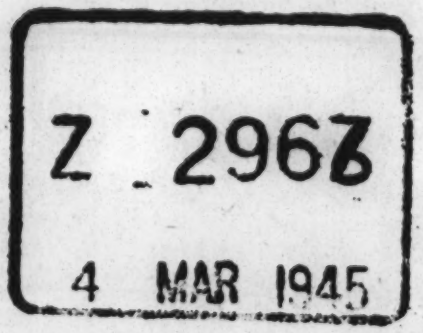
2551/255/17

My telegram No. 98. SAVING.

Combat of March 1st prints Associated Press message from London stating that official denial has been issued there of statement circulated in Paris that in 1940 Pétain concluded with Churchill secret agreement by which he bound himself to bring France into the war on the side of the Allies when circumstances permitted. Combat goes on to quote almost textually summary of alleged agreement contained in documents enclosed in my letter to Mr. Harvey 559/2 145 February 20th.

2. Please telegraph text of any statement issued in London and any other information which would be useful for our guidance.

O.T.P.



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Registry
No. Z 2966/255/17

R.L.S.

Draft.

H.M. Ambassador,

PARIS.

Telegram.

No. H.5.6

Dated. 5th March

R au clair
(telepriter)

Dept. No. 2.

pm 5/3.

OUT FILE 5 March, 1945. 159

Despatched 5.58 p.M.

Important

Your telegram No. 378 [of March 3rd: alleged pact with Pétain].

For guidance please see my telegram No. 2086 to Washington repeated to you [of March 5th]. Full details follow by to-night's bag.

2. No statement has as yet been issued here. News Department have however told enquirers that there was never any secret agreement.

JM

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OUT FILE

Z.2966/255/17.

[EN CLAIR] DEPARTMENTAL NO.2.

FROM FOREIGN OFFICE TO PARIS

No. 456 D.5.58 p.m. 5th March, 1945.

5th March, 1945.

T T T T T

IMPORTANT

Your telegram No. 378 [of March 3rd: alleged pact with Pétain].

For guidance please see my telegram No. 2086 to Washington repeated to you [of March 5th]. Full details follow by to-night's bag.

2. No statement has as yet been issued here. News Department have however told enquirers that there was never any secret agreement.

3 1945

WESTERN

Z 3056 /G 161

6 MAR 1945

Z 3056/255/G/17

Mr Sutton
P.I.D.
to Mr Speaight

Dated 5 March
Received 6 March.

France : M. Flandin

Encloses copy of Deposition made ~~made~~ by M. Flandin, obtained from his notes by Major Clark.

Last Paper.

Z 2817

References.

(Minutes.)

The enclosure to Mr. Duff Cooper's letter in Z 2766/G was an extract from this document, which does not add materially to it.

pms 28/3

(Print.)

(How disposed of.)

Min. 6 P.M.
" P.M./42/85
6 March

(Action completed.)

Z.F. 29/3

(Index.)

Next Paper.

Z 3167

2

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POLITICAL INTELLIGENCE DEPARTMENT
OF THE FOREIGN OFFICE,
CENTRE BLOCK,
BUSH HOUSE, ALDWYCH,
LONDON, W.C.2

Telephone:
TEMPLE BAR 1581

Z 3058

5th March, 1945.

6 MAR 1945

Dear Speaight

The attached copy of a Deposition made by PIERRE ETIENNE FLANDIN was obtained from his brother by Major Clare of P.W.E. Clare has lately been in Paris on business for P.W.E. and on behalf of J.I.C.

I should be surprised if you haven't seen it already, but send it to you par acquit de conscience.

Yours Ever

Nigel Sutton.

Richard Speaight, Esq.,
Foreign Office,
London, S. W. 1.

I- Sur la complicité de trahison en vertu du postulat: le Gouvernement de Pétain était le Gouvernement de la trahison, vous êtes complice de la trahison puisque vous avez fait partie du Gouvernement.

Je vous ai déjà objecté que la trahison du Gouvernement Pétain devait être prouvée par des faits, et que, seuls, des faits caractérisés de trahison pendant la période ou j'ai été ministre, pourraient servir de base à une accusation de complicité. Il resterait encore à établir que j'aurais connu ces faits, que j'aurais participé à ces actes de trahison, et que je l'aurais fait sciemment et avec l'intention de les favoriser. Ces faits, ces actes, ces preuves, il appartient à l'accusation de les produire. Je l'attends depuis plus de treize mois, et l'accusation, depuis treize mois, reste muette.

Comme l'accusation n'en pouvait produire aucun et que le scandale de ma détention prolongée s'aggravait, le Juge d'Instruction d'Alger m'a signifié le 14 août 1944 une ordonnance de suspension de l'instruction. Relisons le texte:

"Attendu que l'inculpation de trahison retenue contre le prévenu pose la "question de savoir dans quelles mesures (sic) les fonctions qu'il a remplies au sein "du Gouvernement de fait de l'Etat français et le rôle qu'il a joué l'ont fait "participer à la politique de collaboration suivis par ce Gouvernement, car l' "information suivie sur ce territoire de l'Empire détaché provisoirement de la Métropole "n'est pas en mesure de rassembler à cet égard des instruments de preuve nécessaires à la "manifestation de la vérité....."

Postérieurement, le Tribunal d'Armée d'Alger a été dessaisi, d'abord au profit du Tribunal militaire permanent de Paris, puis au profit d'une Haute-cour de Justice. Vous communiquez mon dossier à mes avocats. Cinq mois ont passé, et plus de quatre mois depuis la libération du territoire de la métropole. Non seulement il n'y a dans mon dossier aucun de ces "instruments de preuve" que l'instruction d'Alger avouait manquer à l'accusation; mais il ne s'y trouve aucune pièce nouvelle.

Quelle devrait donc être la conclusion? Un non-lieu immédiat.

L'évidence éclate que j'ai été arrêté et maintenu sous mandat de dépôt, sans qu'il y ait le moindre charge contre moi, et avec le seul espoir qu'avec le temps on arriverait à en trouver....."mais 18 mois passent et l'on ne trouve rien.

-Alors on ressuscite le postulat: "Le Gouvernement de Pétain étant le Gouvernement "de la trahison, vous êtes complice de la trahison, puisque vous avez fait partis du "Gouvernement."

Cette formule n'est pas neuve; c'est une redite.

En le précisant, je suis amené à poser une question troublante.

Lorsque Pucheu a été traduit, en mars 1944, devant le Tribunal d'Armée à Alger, l'accusation avait posé une de ses questions à peu près dans les mêmes termes que semble la poser l'accusation devant la Haute-Cour. Je n'ai pas le libellé exact des questions soumise au Tribunal, dans le procès Pucheu, et je ne puis que me fier à ma mémoire. Mais il vous sera facile de vous reporter au texte de ces questions. Je me souviens que le Commissaire du Gouvernement, dans son réquisitoire, avait attiré l'attention du Tribunal d'Armée sur l'importance et sur la portée de la question relative à l'appartenance au Gouvernement de Vichy considérée comme un crise d'intelligence avec l'ennemi. Car, avait-il précisé, selon la réponse que donnera le Tribunal, une jurisprudence sera crée qui aura ses conséquences sur les procès qui doivent suivre. Or, le Tribunal a répondu NON à la question posée.

Il n'a pas retenu comme un acte de trahison, d'intelligence avec l'ennemi, ni d'atteinte à la sureté extérieure de l'Etat, le fait, pour Pucheu, d'avoir appartenu au gouvernement Pétain. Pucheu a été condamné pour d'autres motifs et pour des actes personnels accomplis dans l'exercice de ses fonctions.

Cette décision du Tribunal d'Armée faisait donc jurisprudence, au moins en ce qui concerne le Tribunal devant lequel j'étais moi-même renvoyé. Ainsi, cette prétention, d'ailleurs inacoutembale, de l'accusation s'effrondrait aussi bien en ce qui me concernait qu'en ce qui concernait mes co-inculpés, anciens membres du Gouvernement de Vichy.

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Nous sommes en mars 1944. L'accusation s'évertue donc jusqu'en août à rechercher, selon ses propres termes, des instruments de preuve quant à ma prétendue participation personnelle à la politique de collaboration. Elle n'y parvient pas: une ordonnance de suspension d'instruction est rendue.

C'est alors qu'interviennent deux dessaisissements. Ce mot évoque des méthodes judiciaires que l'on croyait condamnées depuis l'affaire Dreyfus. Pourtant, comme si l'on voulait renouveler ces méthodes, le dessaisissement permettrait, devant une autre juridiction, qui ne se trouve pas liée par sa propre jurisprudence, de reprendre le "postulat" que le Tribunal d'Amée d'Alger avait écarté.

La question que je pose est donc celle-ci:

Est-ce pour cela que le dessaisissement a été prononcé?

Cette réserve faite, j'en viens au postulat lui-même.

L'accusation affirme: le Gouvernement du Maréchal Pétain est le Gouvernement de la trahison. Cela n'a que la valeur d'une affirmation. Pourquoi, comment, à quelle date le Gouvernement du Maréchal Pétain est-il devenu le Gouvernement de la trahison Voilà ce que l'on ne dit pas, et c'est ce qu'il faudrait préciser.

Si l'on me déclare: le Gouvernement est devenu le Gouvernement de la trahison, le 6 novembre 1942, parce que, à partir de cette date, il n'y avait plus d'armistice et qu'il ne pouvait plus y avoir de gouvernement légal, je n'aurai rien à objecter. Mais, je fais observer, que ma démission du Gouvernement Pétain remonte au 8 février 1941.

Si l'on me dit: le Gouvernement Pétain était déjà le Gouvernement de la trahison en décembre 1940 et en janvier 1941, je réponds: cela est faux et je demande sur quoi l'on fonde cette présomption de trahison.

Je pourrais et je devrais même attendre que l'accusation ait précisé les faits et les actes qui. au 14 décembre 1940, date ou je suis entré au Gouvernement pour 56 jours, motiveraient que c'eût été dans un Gouvernement prétendu de trahison. Je devrais attendre que l'accusation ait rapporté la preuve de ces faits et de ces actes.

Mais, je suis tellement impatient de faire, enfin, éclater la vérité que, toutes réserves faites sur l'obligation qui incombe à l'accusation de rapporter ses preuves, je vais discuter, comme sur une hypothèse, la question du Gouvernement Pétain, gouvernement de collaboration avec l'ennemi, à la date ou j'y suis entré.

Gouvernement de collaboration, dit-on, parce que le Maréchal Pétain aurait lui-même proclamé, après son entretien à Montoire avec Hitler, qu'il se proposait de pratiquer une politique de collaboration avec l'Allemagne.

J'ai déjà dit que ce mot de "collaboration" a été inventé par M. Laval et ses partisans. J'ai déjà précisé que ceux-ci avaient, en effet, le dessein de faire participer la France à la victoire finale, qu'ils croyaient assurée, de l'Allemagne.

Qu'ils aient donc à répondre d'actes qui seraient, en effet, de trahison, cela est justice. Mais, est-ce là la politique du Maréchal, le 14 décembre 1940, lorsque j'accepte de devenir son Ministre des Affaires Etrangères? - En aucune manière.

Non seulement M. Laval a été chassé par le Maréchal parce que M. Laval voulait l'entraîner dans une politique qui, à l'époque, n'était pas la sienne, mais, postérieurement à Montoire, le Maréchal a choisi et défini une toute autre politique. - Cette politique, à l'égard de l'Allemagne, se limite à l'exécution pure et simple des conditions de l'Armistice. Je ne suis déjà référé à un échange de lettres entre le Président Roosevelt et et le Maréchal Pétain, qui le précise.

Je me réfère, aujourd'hui, à un autre document, au sujet duquel j'avais jusqu'ici gardé le silence pour des raisons qui sont faciles à comprendre, document dont vous allez mesurer vous-même l'importance capitale.

Avant de révéler le contenu de ce document je dois faire un court exposé historique.

Les 14 et 15 octobre 1940, un envoyé du Maréchal Pétain était reçu à Londres par M. Winston Churchill. Il était porteur d'assurances, de propositions et de demandes du Gouvernement français. Après une confrontation des points de vue britannique et français, les résultats acquis furent consignés dans un texte dactylographi rédigé dans le cabinet de M. Streng au Foreign Office, en date du 18 octobre 1940, (é texte qui fut commis aux corrections et à l'approbation du Premier Ministre. Le Maréchal Pétain reçut communication du texte des projets d'accord, accompagné d'un mémoire, le 10 novembre 1940. Ils furent ratifiés le 11 novembre par lui, selon une procédure qui avait écé convenue d'avance, et par l'intermédiaire de notre poste diplomatique de Madrid. Ils furent confirmés, après la ratification du Marécahl Pétain, par un télégramme du Foreign Office en date du 11 novembre, nous couvert du Consulat Général de Grande-Bretagne à Genève.

Je fais observer que toutes ces dates sont postérieures à Montoire.

Et voici, maintenant, le contenu de ces accords:

ENGAGEMENTS DE LA GRANDE BRETAGNE A L'EGARD DE LA FRANCE:

A/ la Grande Bretagne retablira dans son intégrité et sa souveraineté la France, si elle ne fait rien pour aider la victoire des totalitaires, et, à fortiori, si elle contribue à la victoire britannique.

B/ au cas ou le Gouvernement français cèderait des bases aériennes et navales aux totalitaires, la Grande-Bretagne ne répondrait plus du sort futur de la France et de son Empire.

ATTENUATION DU BLOCUS:

I/ le Gouvernement britannique assimilera à du cabotage - qui ne tombe pas sous le blocus - le transport des denrées coloniales de Dakar, de Casablanca et des ports nord-africains aux ports de Provence.

2/ le Gouvernement anglais enverra à Madrid un expert économique qui l'entendra avec un expert économique français, au sujet d'échange éventuels avec le Maroc.

ACCORD SUR LE STATUS DES COLONIES FRANÇAISES DEMEUREES FIDELES A VICHY:

1/ le Gouvernement anglais s'engage à ne plus chercher à prendre par la force ou à débaucher par la propagande les colonies françaises demeurées fidèles au Gouvernement de Vichy.

2/ toute agression anglaise contre les colonies françaises sera repoussée par les armes pour éviter la défense conjointe par l'Axe des dites colonies, ce qui équivaudrait à céder à l'Axe les colonies françaises et leurs bases.

ACCORD SUR LA RADIO:

La radio britannique s'abstiendra de toute critique à l'égard de la personne du Chef de l'Etat français, le Maréchal Pétain.

ENGAGEMENTS DE LA FRANCE CONCERNANT LES COLONIES ET LES BASES:

I/ le Gouvernement français s'engage à ne pas chercher à reprendre par la force les colonies passées à de Gaulle.

2/ le Gouvernement français s'engage à ne céder à l'Axe ni les ports de Provence, ni les bases de l'Afrique du Nord, du Maroc et de l'Afrique Occidentale.

3/ le Gouvernement français remettra l'Empire dans la guerre le jour ou les Anglais et leurs alliés éventuels auront fait la preuve de leur force, seront à même de débarquer en nombre et d'équiper les troupes coloniales françaises, privées actuellement de munitions, de matériel lourd, de D.C.A., de canons anti-chars et de moyens de locomotion.

ENGAGEMENT SPECIAL CONCERNANT LA FLOTTE:

Le Gouvernement français, conformément aux assurances solonelles qu'il a déjà données à plusieurs reprises au Gouvernement britannique s'engage à saborder les unités de sa flotte plutôt que de les laisser tomber aux mains des Allemands et des Italiens. Des ordres, annulant tous les ordres ultérieurs, ont été donnés à tous les Commandants dans ce sens.

Est-ce un gouvernement qui collabore avec l'Allemagne, celui qui vient de prendre l'engagement de remettre la France dans la guerre le jour ou, en Afrique du Nord, les Alliés se présenteraient en force? celui qui a donné effectivement mission au Général Weygand de préparer les cadres d'une armée de libération en Afrique du Nord et en Afrique Occidentale?

On dira: le Gouvernement de Vichy a donc suivi, dans le temps, deux politiques: la politique de M. Laval qui était celle de la collaboration - et la politique des accords franco-britanniques et franco-américains qui était celle de la résistance, celle de la rentrée de l'Empire dans la guerre. C'est possible, car les choses ne sont pas simples sous la botte de l'ennemi.

Mais un fait est établi: le 18 décembre 1940, le Maréchal avait momentanément répudié la politique de M. Laval, qui n'était pas dans le secret des accords de Londres. Je ne suis donc pas entré, le 14 décembre 1940, dans un gouvernement de trahison, mais dans un gouvernement ou je pouvais mener et ou j'ai mené une politique de résistance, résistance, - a cette époque, peut-être plus difficile et plus périlleuse à pratiquer en France qu'à l'Etranger.

Et je veux ajouter ces précisions:

Les négociations économiques, prévues par les accords de Londres, commencèrent effectivement à Madrid sous son ministère et se terminèrent par les accords connus sous le nom d'accords Eccles-Marshal. Ils devaient être suivis d'accords franco-américains négociés à Washington.

Expédition du Tchad, projetée, comme je l'ai dit, par M. Laval, n'eut pas lieu et fut rendus impossible.

Le cabotage France-Afrique du Nord et France-Afrique Occidentale commença.

A mon départ, le Général Weygand travaillait à plein à la réorganisation militaire de l'Afrique du Nord; il n'y avait pas un Allemand à Dakar.

Vous conclurez.

Peut-être comprendrez-vous mieux, d'un point de vue général, pourquoi les Allemands refusèrent de me reconnaître comme Ministre de Affaires Etrangères; pourquoi l'Amiral Leahy arriva à Vichy en décembre 1940, accrédité comme Ambassadeur des Etats-Unis; pourquoi M. Murphy, délégué du Président Roosevelt en Afrique du Nord reçut toutes facilités pour y exercer en mission qui consistait, en fait, à préparer le futur débarquement des Alliés; pourquoi le Général Weygand plus tard, dut quitter l'Afrique du Nord, sous la pression des Allemands; pourquoi l'Armée d'Afrique se rallie immédiatement aux Alliés après leur débarquement le 8 novembre 1942; pourquoi la flotte se saborde à Toulon.

En ce qui touche son activité non officielle, cela vous expliquera pourquoi dès mai 1941 je préparais mon repli en Afrique de Nord par l'acquisition d'intérêts dans des propriétés foncières en Algérie; pourquoi je m'y trouvai fin octobre 1942; pourquoi j'y conférais avec M. Murphy précicément le 7 novembre 1942; pourquoi je remis au Capitaine R. Churchill à sa demande et pour le Premier Ministre, en mars 1942, un "memorandum sur la situation actuelle et future de la France"; pourquoi je peux me réclamer d'avoir été un des premiers et des plus effectifs parmi les Résistants, sur territoire français, à une époque ou la Résistance était un élan patriotique individuel et ne tendait pas encore à devenir un mouvement politique organisé.

La Justice me jugera mais l'Histoire jugera la Justice. Si, demain, je reste embastillé, l'opprobre ne sera pas pour le prisonnier.

4 1945

WESTERN

Z 3164 | G | 167

8 MAR 1945

Z 3164/255/9/7

East of Halifax
10'ton
1513
Dated 4 March
Received 8 March

France: M. Flandin

Refs to F.O. tel 2086 (Z 2466/255/G) states that there is no objection to an early statement in Parliament. Requests that he might see text first.

Last Paper.

Z3056

(Minutes.)

further pp in Dept
spare ref attached

Forther 10/3

A statement has been prepared - see Z 3955/255/G

pm 19/3

References.

(Print.)

(How disposed of.)

Rpd Paris 520(S)
25 March

(Action completed.)

D.F 29/3

(Index.)

Next Paper.

Z 3955

168

REGISTRY No. Z3167/255/5.

REPETITION OF TELEGRAMS.

(Date) 26/3

(Despatched) 1.45 P.M.

(1) CYPHER ROOM,
FOREIGN OFFICE.

Please repeat to the posts shown below telegram No. ~~1355~~ 1513

from ~~to~~ W'ton dated ~~Feb 11th~~ Mar. 7th

Paris (No. 520) Saving

..... (No. .....) Sav.

..... (No. .....) Mar. 25.

(Signed) R. Sprague

(Dept.) .....

(Date) March 25th

(2) DIVISION CONCERNED (FOR ARCHIVES).

2 Gen 169

C3167/G

8 MAR 1945

[CYPHER] DEPARTMENTAL NO. 2.

FROM WASHINGTON TO FOREIGN OFFICE

Earl of Halifax.
No. 1513.

7th March, 1945.

D. 10.41 p.m. 7th March 1945.

R. 5.25 a.m. 8th March 1945.

rrrrrr

IMMEDIATE

2 2766/255/G

Your telegram No. 2,086. Personal from Ambassador.

I see no objection (repeat no objection) to early statement in Parliament. Indeed it might be helpful here by taking the wind out of the sails of Chicago Tribune or Rougier. I should be grateful to see text first as you suggest.

O.T.P.

30

1945

Z

FRANCE

Z 3233

10 MAR 1945

170

Registry Number	Z 3233/255/17
FROM	French Ambassador to Sir.A. Cadogan
No.	OW/OR 126.
Dated	6th Mar.1945
Received in Registry	10th Mar.1945

Z: France

French judicial authorities' request for Mr. Macmillan's evidence at General Bergeret's trial.

General Bergeret is on trial for offences against the State, and wishes to be brought forward in his favour services which he rendered to the Allies after the landings in North Africa. Bergeret asks Mr. Harold Macmillan to bear witness to his help. The French judicial authorities ask Mr. Macmillan to give evidence at the trial.

Last Paper.

Z 3167

References.

Z12598/515/9-1944
Z11044/515/99
Z2206/515

(Print.)

(How disposed of.)

Draft) Mr. Massigli from Sir A Cadogan
Draft to
Tel / Bdl., Caserta No. 1088 of March 23
Draft) Mr Duff Cooper, Paris, from Mr Harvey.
Copy Lord Halifax, letter with comps of Mr Harvey.
Draft) Mr Massigli from Sir A Cadogan

(Action completed.)

(Index.)

11/12/46

Next Paper.

Z 3245

(*Minutes.*)

General Bergeret was one of the French delegates to the Armistice Commission at Compiègne in 1940. Shortly afterwards Petain made him Under-Secretary and later Minister for Air. He held this post up to the North African landings, and was active in encouraging French resistance to the British, notably in Syria. He was in North Africa in November, 1942, and became one of Darlan's chief advisers. In January, 1943, General Giraud appointed him Deputy High Commissioner and Secretary-General to the High Commission. He was removed in April, when Giraud was under pressure to reduce the Vichy influence in his administration, and relegated to the post of Air Officer Commanding at Dakar. He was dismissed altogether after the Giraud-de Gaulle Agreement in June and was arrested at the end of October, 1943. Since then he has remained under detention awaiting trial, General de Gaulle having decided that he, like MM. Flandin, Boisson and Peyrouton, could not be adequately tried before the liberation of France, when full evidence of their Vichy activities would become available.

I have examined all the papers that I can find in our archives about Bergeret and I have also consulted Mr. Mack, who was himself at Algiers during the first months after the landings. The evidence of the archives and Mr. Mack's recollections both confirm my own impression (I was dealing with French affairs here throughout the period) that Bergeret never did anything to earn our gratitude and that we are under no sort of an obligation to him. He would naturally have had liaison with various British services, including no doubt intelligence organisations, in his capacity as Secretary-General to Giraud's High Commission: it was part of his job to keep A.F.H.Q. informed on all manner of subjects and he deserves no special credit for that. Similarly, he must, by virtue of his office, have played some part in the negotiations for rallying French West Africa and for winning over Admiral Robert at Martinique and Admiral Godefroy at Alexandria; but he certainly did not play a leading part in these matters and there is no reason for supposing that his personal influence was

in/

in any way decisive.

It is fair to mention that Bergeret made a good first impression on Mr. Macmillan (see Z 1799/5/69 of 1943). On the other hand, the Prime Minister has never, so far as I know, shown any personal interest in mitigating Bergeret's fate, although he expressed much concern when Flandin, Boisson and Peyrouton were arrested two months after.

In all the circumstances, I consider that there is no case for asking Mr. Macmillan to make a statement which could be produced as evidence at Bergeret's trial (there is obviously no question of him making a personal appearance at the trial). We are under no obligation to the man and we are not in a position to give any evidence which the Defence cannot obtain equally well from other reputable quarters. Admiral Esteva, who played a much blacker role than Bergeret, obtained evidence in his favour from various unimpeachable resistance sources (although it did not help ~~us~~ him) and there is no doubt that Bergeret can find many good Frenchmen to testify to his correct behaviour after November, 1942. Moreover, any British evidence might well be represented as intervention in French internal affairs. It would also set an embarrassing precedent for if we spoke up for Bergeret it would be impossible not to do the same for Boisson, Peyrouton and Flandin.

A further point is that if any Ally is to speak up for Bergeret it should obviously be the Americans. As the prime movers in "Torch" they had far more to do with him than we did and Mr. Murphy may well have had valuable help from him on the intelligence side before the North African landings. We do not know if a similar approach has been made to the United States Government.

I suggest that the best course would be to send for M. Massigli and tell him that after careful consideration we consider that the giving of evidence by Mr. Macmillan would neither contribute materially to Bergeret's defence nor be in the best interests of Anglo-French relations. We might add that the Americans had much more to do with Bergeret themselves and that the French Government might therefore consider putting their proposal to Washington if they had not already done so, in case it was thought desirable to seek evidence from Mr. Murphy.

Before taking this step we should presumably let Mr. Macmillan know of M. Massigli's approach and of the line which we intend to take.

R.L. Speaight

16th March, 1945.

I think the line suggested by Mr. Speaight is the right one. Apart altogether from whether or not we could in fact put in a good word for Bergeret I think it would be very doubtful wisdom for a British Cabinet Minister to give evidence in any form at one of these trials. Even though this evidence was given at the request of the Defence, it will be apt to be misrepresented as direct British intervention and might lead to all sorts of awkward precedents being set. Unless, therefore, the evidence were of such a kind as to be likely to make a great deal of difference to

the/

flag A

I agree, unacceptable even though Mr. Macmillan is not a Cabinet Minister

AR

NOTHING TO BE WRITTEN IN THIS MARGIN.

the outcome of the case and be of real assistance to the accused, I think it would be very unwise for any action to be taken. Unfortunately, in this particular case it seems obvious that any evidence that Mr. Macmillan might give would not be of much use to Bergeret.

If this line is approved we must of course, as Mr. Speaight says, first consult Mr. Macmillan and make sure of his concurrence.

F.K. Hoyer Millar

16th March, 1945.

I agree with these minutes.

Q. Consult Mr. Macmillan as advised.

Anthony Eden
16/iii

I would not consult - I would inform of answer we propose to give on question of appearance

A.P.

O.G. Sargent 17/3/45

Agreed

Hastings Lees Smith

21.3.

See m/p:-

1) Rome (R/M) No. 53 of March 16

Offrs M. Magistrati & Mr. Duff Cooper

pres. 21/3.

AMBASSADE DE FRANCE
A LONDRES.

3, Carlton Gardens,
London, S. W. 1.

OW/OR
No. 126

le 6 Mars 1945.

Z 3233
10 MAR 1945

Cher Sir Alexander,

Ainsi que le Gouvernement Britannique le sait, le Général Bergeret, ancien Ministre de l'Air du Gouvernement de Vichy et ancien Secrétaire Général du Commandement civil et militaire de l'Afrique du Nord française, est actuellement poursuivi devant la Haute Cour de Justice pour crime contre la sûreté de l'Etat.

Pour sa défense, le Général Bergeret allègue les services qu'il aurait rendus aux alliés à compter du 8 Novembre 1942 après le débarquement du Corps Expéditionnaire anglo-américain en Afrique du Nord française.

Le Général Bergeret soutient notamment qu'il avait établi à l'époque une liaison avec les services de renseignements britanniques, qu'il a contribué à rallier à la cause des alliés l'Afrique Occidentale française, l'escadre française qui se trouvait aux Antilles sous le commandement de l'Amiral Robert et celle qui était immobilisée à Alexandrie depuis juin 1940, sous le commandement de l'Amiral Godefroy.

Le prévenu invoque également le rôle qu'il a joué en assurant la coopération de contingents importants des armées françaises d'Afrique à la libération de la Tunisie.

A l'appui de ses déclarations, le Général Bergeret invoque le témoignage du Rt.Hon. Harold MacMillan, qui représentait à l'époque, en Afrique du Nord, le Gouvernement Britannique auprès du Général Eisenhower.

.../.

Je vous serais obligé de bien vouloir demander à M. Harold MacMillan si, comme le désire le Président de la Commission d'Instruction de la Haute Cour, il consentirait à apporter son témoignage sur les affaires énumérées ci-dessus. Au cas où M. Harold MacMillan y consentirait, je vous serais reconnaissant de bien vouloir me préciser sous quelle forme M. MacMillan voudrait bien témoigner./.

Cher ami, dear Sir Alexander,

Yours sincerely etc.

Lauri

The Hon. Sir Alexander Cadogan, G.C.M.B., K.C.B.
Permanent Under Secretary of State,
FOREIGN OFFICE.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z3233/196/17

255

10m

175

OUT FILE

10th Mar 1945.

René
M. Massigli,
French Embassy
3 Carlton Gdns
SW1

From
Sir A. Cadogan.

Thank you for your letter No. 126 of March 6th informing me of the request of the French judicial authorities that Mr. Harold Macmillan ~~shd~~ might be asked to give evidence at the trial of General Bergeret.

I am looking into this matter & will let you have a reply as soon as possible.

pp 9/3.

3233/255/17

OUT FILE

176.

10th March 1945

2c

Dear Massigli.

Thankyou for your letter No: 126 of the 6th March informing me of the request of the French judicial authorities that Mr. Harold MacMillan might be asked to give evidence at the trial of General Bergeret.

I am looking into this matter and will let you have a reply as soon as possible.

Yours Sincerely

O. G. Sargent.

(for Sir Alexander Cadogan)

His Excellency
Monsieur René Massigli,
French Embassy,
3 Carlton Gardens,
S.W.1.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z 3233/255/17

R.L.S.

Draft.

Resident Minister,
CASERTA.

Telegram.

No. 1088

Dated. 23rd March.

Cypher

Departmental No.2.

OUT FILE 177

Despatched 12.40a M. 24/3

Following personal for Resident Minister from Secretary of State.

General Bergeret, who is shortly to appear before the High Court of Justice in Paris on the charge of having endangered the safety of the State, has asked that you should give evidence at his trial. He maintains that your evidence would support his contention that he established liaison with the British Intelligence services at the time of the North African landings, helped to rally West Africa, Admiral Robert and Admiral Godefroy, and helped to ensure the co-operation of French forces in the liberation of Tunisia. The President of the Commission d'Instruction has asked if you would be willing to give evidence on these points and the French Ambassador has passed this request to the Foreign Office.

2. I consider it undesirable that you should give evidence, either written or oral. We are under no obligation to Bergeret nor to the best of our knowledge did he do anything specially to earn H.M.G.'s gratitude. I should suppose that evidence of his good behaviour after the North African landings could be equally well obtained from other quarters and that any evidence you might be in a position to give would not materially assist defence. In any case, to comply with the request would set an awkward precedent for

future/

future political trials, and might well be interpreted by the French public as British intervention in French internal affairs.

3. In the circumstances it is proposed to reply to the Ambassador that, after careful consideration and consultation with you, we consider that the giving of evidence by yourself would neither contribute materially to Bergeret's defence nor be in the best interests of Anglo-French relations.

4. I presume that you agree.

D of B 22

NOTHING TO BE WRITTEN IN THIS MARGIN.

Z 3233/255/17

OUT FILE

179

[CYPHER]

DEPARTMENTAL NO. 2.

FROM FOREIGN OFFICE TO RESIDENT MINISTER,

CENTRAL MEDITERRANEAN, CASERTA.

No.1,088.

23rd March, 1945. D. 12.40 a.m., 24th March, 1945.

X X X

Following personal for Resident Minister from Secretary of State.

General Bergeret, who is shortly to appear before the High Court of Justice in Paris on the charge of having endangered the safety of the State, has asked that you should give evidence at his trial. He maintains that your evidence would support his contention that he established liaison with the British Intelligence services at the time of the North African landings, help to rally West Africa, Admiral Robert and Admiral Godefroy, and helped to ensure the co-operation of French forces in the liberation of Tunisia. The President of the Commission d'Instruction has asked if you would be willing to give evidence on these points and the French Ambassador has passed this request to the Foreign Office.

2. I consider it undesirable that you should give evidence, either written or oral. We are under no obligation to Bergeret nor to the best of our knowledge did he do anything specially to earn His Majesty's Government's gratitude. I should suppose that evidence of his good behaviour after the North African landings could be equally well obtained from other quarters and that any evidence you might be in a position to give would not materially assist defence. In any case, to comply with the request would set an awkward precedent for future political trials, and might well be interpreted by the French public as British intervention in French internal affairs.

3. In the circumstances it is proposed to reply to the Ambassador that after careful consideration and consultation with you, we consider that the giving of evidence by yourself would neither contribute materially to Bergeret's defence nor be in the best interests of Anglo-French relations.

4. I presume that you agree.

O.T.P.

Z 3233/255/17

2

180

[CODE (R)]

DEPARTMENTAL NO.2

FROM RESIDENT MINISTER ROME, TO FOREIGN OFFICE

Mr. Macmillan
No. 55

D. 7.25 a.m. 27th March, 1945 (GMT)

26th March, 1945

R. 8.50 a.m. BST 27th March, 1945.

* * *

Z 3233/255/17

IMPORTANT

Your telegram No. 1088 to Caserta.

I agree.

QR

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No.
Z 3233/255/17

Draft. ✓ AD

Mr. Duff Cooper
Paris.
from
Mr. Harvey

~~corresp. with Mr. Massigli~~

Tel. No. 1088 to Caserta

pres. 29/3

Copy corresp.
Lord Halifax
with Mr. Harvey's
✓ comps.

181

OUT FILE

4th April 1945

My dear Duff.

I enclose a copy of corresp. with ~~Mr.~~ Massigli about the possibility of Macmillan giving evidence at Gen. Bergeret's trial.

2. I also enclose a copy of our Tel. No 1088 to Macmillan which explains in more detail the reasons why we were not in favour of him giving evidence. Macmillan replied that he agreed.

I am sending a copy of this corresp. with its encls. to Lord Halifax.

Yours ever
Oliver Harvey
29/III

OUT FILE

182

(Z 3233/255/17)

FOREIGN OFFICE, S.W.1.

4th April, 1945.

My dear Duff.

I enclose a copy of correspondence with Massigli about the possibility of Macmillan giving evidence at General Bergeret's trial.

2. I also enclose a copy of our telegram No. 1088 to Macmillan which explains in more detail the reasons why we were not in favour of him giving evidence. Macmillan replied that he agreed.

3. I am sending a copy of this correspondence with its enclosures to Lord Halifax.

Yours ever

Oliver Harvey.

The Right Honourable
A. Duff Cooper, D.S.O., M.P.,
Paris.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z 3233/255/17.

R. L. S.

Draft

French Ambassador.

(from Sir A. Cadogan).

OUT FILE

183.

FOREIGN OFFICE, S.W.1.,

My dear Ambassador, 4th April March, 1945.

I am sorry that it has taken so long to give a final reply to your letter No. 126 of March 6th about the possibility of Mr. Macmillan giving evidence at General Bergeret's trial.

After careful consideration of this request and consultation with Mr. Macmillan we have come to the conclusion that it would neither contribute materially to General Bergeret's defence ~~nor~~ be in the best interests of Anglo-French relations, if Mr. Macmillan ~~he~~ were to give evidence, either written or oral, at the trial.

I shall be grateful if you will be good enough to inform the President of the "Commission d'Instruction" of the High Court.

Yours sincerely,
(Sgd) Alexander Cadogan.

R.L.Speaight
24/3.

24/iv

184

OUT FILE

FOREIGN OFFICE, S.W.1.

(Z 3233/255/17)

4th April, 1945.

My dear Ambassador,

I am sorry that it has taken so long to give a final reply to your letter No. 126 of the 6th March about the possibility of Mr. Macmillan giving evidence at General Bergeret's trial.

After careful consideration of this request and consultation with Mr. Macmillan we have come to the conclusion that it would neither contribute materially to General Bergeret's defence nor be in the best interests of Anglo-French relations, if Mr. Macmillan were to give evidence, either written or oral, at the trial. I shall be grateful if you will be good enough so to inform the President of the "Commission d'Instruction" of the High Court.

Yours sincerely,

Alexander Cadogan.

His Excellency
Monsieur René Massigli,
French Embassy,
5, Carlton Gardens,
S.W.1.

31

1945

Z

FRANCE

Z 3245

10 MAR 1945

Registry Number Z 3245/255/17

FROM Mr. Duff Cooper
Paris.

No. 270. 619/1/45

Dated 6th March
Received in Registry 10th March 1945

Z: France =

Ordinance abolishing special military tribunal set up at Algiers.

Transmits extract from the "Journal Officiel" No.45 of 22nd February giving text of an Ordinance of 21st February abolishing the Special Military Tribunal set up at Algiers to deal with acts committed in the course of their office by members of the Vichy Administration or of "anti-national bodies". It is considered that such cases can be more effectively dealt with from Paris.

Last Paper.

Z 3233

References.

Z 4769/12/17: 1944
Z 813/16/69: 1944

(Print.)

(How disposed of.)

8/ Sir D Morton No. 10
Mr. O.S. cott, M.E.I
March 14

(Minutes.)

Copies to D. Morton No 10
Mr. Oscott. MEI

F.O. 7/3

FORD. 23/III/45

(Action completed.)	(Index.)
27/3	12/12/46

Next Paper.

Z 3392

186.

2

619/1/45

No. 270

British Embassy,

Paris.

Z 3245

10 MAR 1945

6th March, 1945.

Sir,

I have the honour to transmit to you herewith the text of an Ordinance of the 21st February abolishing the special Military Tribunal set up at Algiers to deal with acts committed in the exercise of their official functions by members of the Vichy Administration or of "anti-national bodies".

As the preamble of the Ordinance explains, this tribunal has outlived its usefulness and cases of this sort can now be more effectively dealt with in Paris.

I have the honour to be, with great truth and respect,

Sir,

Your most obedient, humble Servant,

Duff Cooper

The Right Honourable
Anthony Eden, M.C.,M.P.,
etc. etc. etc.

2.
187

British Embassy,
Paris.

619/1/45

With the Compliments
of the
British Embassy, Paris.

(It is requested the attached enclosures were omitted from Paris despatch No. 270 of 6 Mar.).

Z 3145/255/17

F.O.
10/3/45

188.

Journal officiel. no. 45 February 22nd 1945.

Ordonnance n° 45-270 du 21 février 1945 portant suppression du tribunal militaire d'armée de compétence particulière.

EXPOSE DES MOTIFS

La séparation intervenue entre la métropole et l'ensemble des territoires relevant du Comité français de la libération nationale avait nécessité l'institution pour ceux-ci d'une juridiction militaire spéciale qui devait répondre à la gravité des infractions dont elle aurait à connaître et à la qualité particulière de leurs auteurs.

Instituée et organisée par les ordonnances des 2 et 21 octobre 1943, 7 décembre 1943 et 14 février 1944, cette juridiction dite « Tribunal militaire d'armée de compétence particulière » a son siège à Alger qui était la résidence du Gouvernement provisoire de la République française.

Les circonstances qui avaient motivé l'institution de cette juridiction ont disparu par suite de la libération presque complète de la France métropolitaine, comme ont disparu les raisons qui avaient fait fixer provisoirement son siège à Alger.

Désormais, les infractions commises dans l'exercice de leurs fonctions soit par les membres ou anciens membres de l'organisation de Vichy, soit par les hauts fonctionnaires de l'Etat, soit encore par les membres des groupements antinationaux seront plus complètement instruites et utilement jugées à Paris.

Le tribunal militaire d'armée de compétence particulière d'Alger ne répond donc plus aux nécessités qui l'avaient fait instituer et sa suppression s'impose.

Tel est l'objet de la présente ordonnance.

Le Gouvernement provisoire de la République française,

Sur le rapport du ministre de la guerre,

Vu l'ordonnance du 3 juin 1943 portant institution du Comité français de la libération nationale, ensemble les ordonnances des 3 juin et 4 septembre 1944;

Vu l'ordonnance du 2 octobre 1943 instituant un tribunal militaire d'armée de compétence particulière, ensemble les ordonnances des 21 octobre, 7 décembre 1943 et 14 février 1944 modifiant la compétence du tribunal militaire d'armée;

Le comité juridique entendu,

Ordonne :

Art. 1er. — Le tribunal militaire d'armée de compétence particulière, institué par l'ordonnance du 2 octobre 1943 susvisée, est supprimé.

Art. 2. — Les procédures commencées devant cette juridiction seront portées devant les tribunaux militaires des régions et circonscriptions territoriales qui seront désignés par le ministre de la guerre, conformément aux dispositions de l'article 188, 3e alinéa, du code de justice militaire.

Toutefois, les procédures dans lesquelles l'information aura révélé qu'elles devront relever d'une juridiction autre que celle des tribunaux militaires pour l'armée de terre, le ministre de la guerre les transmettra directement à l'autorité qualifiée pour en saisir la juridiction compétente.

Le tribunal militaire désigné sera composé en tenant compte des assimilations de grades prévues à l'article 1er de l'ordonnance du 7 janvier 1944 relative à la composition du tribunal militaire d'armée.

Art. 3. — La présente ordonnance sera publiée au *Journal officiel* de la République française et exécutée comme loi.

Fait à Paris, le 21 février 1945.

C. DE GAULLE.

Par le Gouvernement provisoire de la République française :

Le ministre de la guerre,
A. DIETHELM.

Le ministre de la marine,
LOUIS JACQUINOT.

Le ministre de l'air,
CHARLES TILLON.

33

1945

Z

FRANCE

189

Z 3534

16 MAR 1945

Registry Number Z 3534/255/17

FROM Mr. H.E. Bowle, to Mr.R.L. Speaight.

No. -

Dated 13th March,1945.

Received in Registry 16th March, 1945.

Z: France

Testimony to Monsieur Richard.

Refers to Mr. Speaight's letter of the 9th March (Z 2260/255/17) and gives an account of Monsieur Richard's attitude after the German invasion of France, reporting that he was strongly anti-German before June 1940, that he was not suspected of collaboration but that no anti-German activities of his are known. Asks whethere there is any post in France which he could take up in view of his experience there.

Last Paper.

Z 3392

References.

(Print.)

(How disposed of.)

Off) Mr. Bowle from Mr. Speaight 24 March

Off) Chancery, Paris w/from W. Enq. Dept March 24

(Action completed.)

(Index.)

11/12/46

Next Paper.

Z 3711 (24740)

(*Minutes.*)

Await reply from M: Ledger.

Permanent Dept (page 2nd?) 19/3

Since we have retired Mr. Bowle under the F.S. Act we could not offer him a job with pay attached; and he would no doubt not be willing to serve free, i.e. on his pension alone). He might be told simply that we know of no suitable post for him in France at present.

M A Henderson 20/3

Draft: Mr. Bowle please examine 21/3

25695 7/43 F.O.P.

Z 3534
16 MAR 1945

190 Cuba pers

13 March

Dear Speaight

In reply to your letter of 9 March regarding Monsieur Richard, our relations had been cordial until the German invasion of France, when he cooled off, which I attributed partly to his feeling that we had let his country down through our indulgence towards Germany and partly to his passing under the control of the German Consulate General also with the fear in the background of reprisals against his wife and children who, so we understood, were

2. 3534

living in France.

I regret I cannot testify to his anti-German activities as none are known to me but I can say with certainty that like all good Frenchmen he was strongly anti-German up to June, 1940, and that he did not at any time thereafter give me the least cause to suspect him of collaborating voluntarily with the Enemy

Do you know of any post in France, temporary or

permanent, that I could take up? It really seems absurd that with all my knowledge and long experience of France no use can be made of it in Relief or in other ways at a time like this

Yours sincerely

A. E. Bowle

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. 2 3534/2001/7

193.

OUT FILE 24th March 1945.

Despatched M.

Dear Bowles,

Thank you for your letter of the 13th March about Mr. Richard.

I referred your enquiry about a post at Geneva to the Personnel Dept. who report that they know of no suitable post for you in that country at present.

R.L.S. 22/3.

(Sd.) R. L. Speaight.

2337

Draft

Mr. H.E. Bowles

Secretary

Moorhead Bishop

Telegram.

Dedition

Devon

from

Rt. Hon. Speaight

194

OUT FILE

FOREIGN OFFICE,
S.W.1.

(Z 3534/255/17)

24th March, 1945.

Dear Bowley

Thank you for your letter of the 13th March about Monsieur Richard.

I referred your enquiry about a post in France to the Personnel Department, who regret that they know of no suitable post for you in that country at present.

(Sd) (R. L. Speaight)

H. E. Bowle, Esq.,
Sunnycot,
Horchard Bishop,
Crediton,
North Devon.

OUT FILE

Registry
No. Z 3524/255/17

F.O.1.

Draft

Chancery
Paris
from
Western Dept

NOTHING TO BE WRITTEN IN THIS MARGIN.

23

Foreign Office. 24th March 1945.

Dear Chancery. 195

We referred the enquiry about M. François Richard, formerly French Consul General at Lourenço Marques, in your letter 28/20/45 of the 11th February to Bonde Hodge, but have not yet received a reply from Hodge.

Bonde states that his relations with M. Richard were cordial until the German occupation of France, when he cooled off. Bonde attributes this partly to a feeling that we had let France down and partly to M. Richard having passed under

under the control of the German Consulate General, with the addition of the fear of reprisals being taken against his wife & children who were understood to be living in France.

Berle reports that he can not testify to Mr. Richard's anti-German activities, since he knows of none, but he believes that he was strongly anti-German up to June 1940. and that he did not at any time thereafter give the least cause for suspicion of voluntary collaboration ~~that he was collaborating~~ ~~voluntarily~~ with the enemy

Yours ever

Welles Dept.

DSS 862.3/3

NOTHING TO BE WRITTEN IN THIS MARGIN.

OUT FILE

197

FOREIGN OFFICE, S.W.1.

(Z 3534/255/17)

24th March, 1945.

Dear Chancery,

We referred the enquiry in your letter 28/30/45 of the 11th February about Monsieur François Richard, formerly French Consul General at Lourenço Marques, to Bowle and Ledger, but have not yet received a reply from Ledger.

Bowle states that his relations with Monsieur Richard were cordial until the German invasion of France, when he cooled off. Bowle attributes this partly to a feeling that we had let France down and partly to Monsieur Richard having passed under the Control of the German Consulate-General, with the addition of the fear of reprisals being taken against his wife and children who were understood to be living in France.

Bowle regrets that he cannot testify to Monsieur Richard's anti-German activities, since he knows of none, but he believes that he was strongly anti-German up to June 1940, and that he did not at any time thereafter give the least cause for suspicion of voluntary collaboration with the enemy.

Yours ever,

Western Department.

The Chancery,
British Embassy,
Paris.

3F

198.

1945

Z

FRANCE

Z 3711

21 MAR 1945

Registry Number: Z 3711/255/17

FROM Foreign Office minute (Mr. G.E.Millard)

No. Secret.

Dated 29th January 1945

Received in Registry 21st March 1945.

Z : France.

Alleged collaborator in charge of rubber distribution in France.

Draft to Mr. Hooper, British Embassy, Paris.

Commander Prior informed the Secretary of State that the man in control for the Government of the distribution of rubber in France had been a collaborator. He had forgotten his name and asked whether a message could be sent by bag to a Mr. Steinberg in Paris, but the Secretary of State did not think this desirable, and Commander Prior has been so informed.

Asks whether any information can be given about the rubber controller.

Last Paper.

Z 3534

References.

(Print.)

(How disposed of.)

Off/Mr. Hooper, Paris from Mr Millard Jan 29

Off/Cdr. Prior, from the Secs. Feb 23

(Minutes.)

See minutes

1) Mr. R.W.G. Hooper, Brit Embassy to Mr Millard 15/2

2) Cdr. Reavers Prior to the Secs, Feb 16

3) " " March 5

4) Mr R.W.G. Hooper, Brit. Embassy, to Mr Millard 4/3

(69/24/45)

Can this be put away? I see from the enc. to p.v. 3 that Cmdr. Reavers Prior is aware that M. Ferret has been replaced.

G.E.M. 29/3

Provide Secy Yes.

Secy 31/3.

(Action completed.)

29/4

(Index.)

11/13/66

Next Paper.

23764

(Z5057)

199

12

S/S.

I wrote to Paris about Items, but so far had no reply.

Ken
20/2.

Letter with draft accordingly

FRANCE

Z 3711/2554/17

Z 3711

21 MAR 1945

OUT FILE

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FOREIGN OFFICE, S.W.1.

200

SECRET.

29th January, 1945.

The Secretary of State recently had a talk with Commander Prior, M.P., who has lately been in Paris.

Commander Prior told the Secretary of State that while in Paris he had learnt that the man who was now controlling the distribution of rubber in France for the Government had been a collaborationist. He wanted the Secretary of State to take this up with the French Government.

The Secretary of State undertook to look into the matter and Prior for his part promised to send the Secretary of State the name of the rubber controller, which he had forgotten.

Prior came to see me a few days ago to ask for help in obtaining this name, since he has no means of telegraphing from Paris and it would take a long time to get a reply by letter through the ordinary post. Prior asked whether he might be allowed to send a message through the bag to his informant whose name is Mr. Steinberg, c/o Alcan and Cie, 87 Rue St. Lazare, Paris.

I have consulted the Secretary of State and he did not on the whole think it was desirable for us to transmit such a message. He has instructed me therefore to ask you if you could find out the name of the Government rubber controller and anything about him which may help to substantiate Commander Prior's story.

~~J. Kingsley Rooker, Esq.~~, Robin W.J. Hooper, Esq.,
Paris.

201

I am telling Commander Prior that we cannot convey his message to Mr. Steinberg.

(Sd.) G. E. MILLARD.

BRITISH EMBASSY,
PARIS.

69/13/45.

Z 3711/255/17

15th February, 1945.

Indexed.

Dear Guy.

I am very sorry indeed to have been so long answering your letter of the 29th January, but the question had to be taken up with our link with the French Sécurité Militaire, who deal with these enquiries in a most leisurely fashion.

The name of the Government Rubber Controller is Perret; and we are afraid that like many other French industrialists still in key positions, he had a bad record under the occupation. The Sécurité Militaire have promised us further details, which we will send you as soon as they arrive; but I thought it was better to send you an interim reply rather than keep you waiting any longer.

Yours ever

Robin Hooper

R.W.J.Hooper.

G.E. Millard, Esq.,
Foreign Office.

P.S. I have just heard that M. Perret's dossier is under examination, and that there is a chance of his being arrested. He acted as selling agent for German "Buna" under the occupation and visited Germany once or twice: but on the whole it seems that he was an opportunist rather than a convinced collaborator.

MANSION HOUSE 7820.

15/18, ST. DUNSTAN'S HILL
E.C.3.

Z 3711/255/17

19.2.45.
ACKNOWLEDGED

16th February, 1945.

203.

The Rt. Hon. Anthony Eden, M.C., M.P.,
Foreign Office,
Whitehall, S.W.,1.

Sir,

Some time ago we discussed the question of collaborators being employed by the French Government.

There happens to be one in my own business, the Rubber Market. A Mr. Balay, President of a Syndicate, proceeded to Weisbaden and negotiated the distribution of German Buna in the French Rubber Industry.

I am,
Sir,
Your obedient Servant,

Reuters Trust.

OUT FILE

Z3911/255/17

15 T 2

23.2.45

204

I write to thank you for your letter of February 16th. The Embassy at Paris were asked some time ago to make enquiries about the matter which you raise, but we have so far had no reply. I think that these enquiries are bound to take a little time and I will let you know when I hear the result.

(Sd.) ANTHONY EDEN.

mander Redvers Prior, M.P.,
15/18 St. Dunstan's Hill,
E.C.3.

MANSION HOUSE 7820.

15/18, ST. DUNSTAN'S HILL.

Z 3711 / 255 / 17

12

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Indexed.

5th March, 1945.

The Rt. Hon. Anthony Eden, M.C., M.P.,
H.M. Secretary of State for Foreign Affairs,
Downing Street,
S.W.,1.

Sir,

Further to my letter of February 16th I have the honour to submit enclosed, additional information which I have just received from our Paris associate Firm.

I am, Sir,

Your obedient Servant,

Redvers Prior

206.

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S. A. F. I. C.

Société Anonyme Française pour l'Importation du Caoutchouc

AU CAPITAL DE 17.000.000 DE FRANCS

ALCAN & Cie

ANCIENNE MAISON HECHT FRÈRES & Cie - FONDÉE EN 1847

87, RUE SAINT-LAZARE, PARIS-9e

REG. DU COMMERCE SEINE 46.945
R. PROD. 18.999 SEINE C. A.

TÉLÉGRAMMES : MYRTIL-TT-PARIS
TÉLÉPHONE : TRINITÉ 20-21 & 20-22

[illegible]

Paris, February 19th 1945

R.M. PRIOR Esq.
c/o Messrs. Hecht Levis Kahn Ltd.
15/18 St. Dunstan's Hill
London E.C.3. - Angleterre

AS/FF

Dear Mr. Prior,

To hand your letter dated February 5th. In the meantime, we cabled you twice :

1°) on February 2nd, as follows :

"President of Syndicate Balaÿ stop rubber
"Controller Perret" -

2°) on February 13th, informing you that it was Mr. Balaÿ, President of the Syndicate, who had proceeded to Wiesbaden -

I want to inform you that Mr. Perret, the Répartiteur, after having been under arrest a few hours, is now prosecuted for having been in leage with the enemy.

I shall let you know the course of the proceedings but any way I do not think Mr. Perret may expect to be répartiteur again.

I am at your full disposal for any further particulers you might need, which I shall be very pleased to send you.

Yours very sincerely,

A. Schreiber

Western Dept. 207

Z 3711 / 255 / 17

69/24/45.

BRITISH EMBASSY,
PARIS.
8th March, 1945.

16/3

Dear Eve.

You may be interested to hear that Monsieur Perret, about whom I wrote to you on the 15th February under our reference No. 69/13/45, has now been sacked. He has been replaced provisionally by his assistant, Monsieur Gaston Lebeau.

On the whole I got the impression that Perret was no worse than a good many others, and that "il s'agit de vengeances personnelles"; nevertheless, Commander Prior's report seems to have had some foundation.

Yours ever

Robin Hooper.

R.W.J. Hooper.

G.E. Millard, Esq.,
Foreign Office.

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1945

Z

FRANCE

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Z 3764

22 MAR 1945

"Registry Number" Z 3764/255/17

FROM Mr. B. MacDonagh

NO.

Dated 18th Mar. 1945

Received in Registry 22nd Mar. 1945

Z: France

Protest at French sentences on members of the Vichy Government.

Asks whether something can be done to restrict the number of death sentences on members of the Vichy Government in France, in view of the fact that that government was accepted at the time by the people of France and a change of régime should not be enough justification for passing sentence of death or imprisonment on members of the previous government.

Last Paper.

Z3711

References.

(Print.)

(How disposed of.) Arch

(Minutes.)

×

H.C.D. 24/3

(Action completed.)

25/3

(Index.)

31/12/45

Next Paper.

Z 3791

25695 7/43 F.O.P.

"Quinneys" 2.

Phone Preston 2912 Peacock Lane. 209

Brighton. 6.

7. 3764 10-3-45

22 MAR 1945

Sir -

France of our ally - Could
something be done to restrict
the present political struggle
that is now going on in
that country? reminiscent
of the days of the revolution!

After all
the ruling government was
the government of France
at the time of the armistice
& accepted by the people -
- the members of the government
under the stress of occupation

had little Choice of their
actions which they presumably
have in the interests of a
comparatively Cultured people.

To pass
the penalty of death
or life imprisonment
for the treason that a diffused
political regime has com-
mitted upon totally
different circumstances appears
to be against all the
laws of human justice -
Certainly against the laws
as he should accept them

Yours truly
B. De Ladra MacDonagh
Legis (Retired)

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1945

Z

FRANCE

Z 3791

23 MAR 1945

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Registry Number Z 3791/255/17

TELEGRAM FROM
Mr. Duff Cooper
Paris.

No. 150 Saving

Dated 21st Mar. 1945

Received in Registry 23rd Mar. 1945

Z: France

Trial of Admiral Esteva for collaboration.

Reports that Admiral Esteva was charged on 13th March with six separate offenses against the State, and gives a summary of the proceedings at his trial. He was found guilty and sentenced to life imprisonment, deprivation of civil rights, military degredation and the confiscation of his property. The verdict was condemned by "L'Humanité". General Dentz is expected to be tried next.

Repeated Lyons No. 2 Saving, Marsailles, Nice, Bordeaux.

Last Paper.

Z 3764

References.

Z 6715/3794/17,
Z 2243/16/69

(Print.)

(How disposed of.)

8/Sir Dunsterville, No. 10
March 23

(Action completed.) 26/3

(Index.) 11/12/46

Next Paper.

Z 3802 [Z 4(77)]

(Minutes.)

~~Z 3765~~

Copied as shown.

Notwithstanding the seventh ~~last~~ paragraph, and especially the last sentence thereof, I think this trial shows how difficult it is to conduct successfully such quasi-political and political trials. The only satisfactory solution is summary execution without trial of the big shots.

H. J. Simpson 23/3

S. L. 26/3.
Def.

The French did not make a bad job of it considering the difficulties, but I had expected a lighter sentence in view of the almost sympathetic attitude of the presiding judge.

R. L. Speaight 23/3

24.3

26513 F.O.P.

magistrates together. The court is empowered to give any penalty from a simple fine to death. After an absence of 3 hours 40 minutes, the president read the verdict which found Esteva guilty:

(i) of subsidising the leader of the P.F.F. in Tunisia with the sum of 500,000 francs.
(ii) of organising compulsory labour service in Tunisia.
(iii) of aiding recruitments to the Phalange Africaine.
(iv) of calling upon French troops to desert.
(v) of replying to a telegram of congratulation from Ribbentrop.

The court acknowledge however Esteva's protection of patriots on the arrival of the Germans. This was deemed to be a "circonstance attenuante" and legally saved his life. The Admiral was condemned to life imprisonment, deprivation of civil rights, military degradation and the confiscation of his property.

7. L'Humanité violently attacked the verdict which it called a "condamnation à rire" and Cogniot's article in the same paper referred to mysterious powers at work to ensure that Pétain should be the last to be tried. Franc-Tireur also remarked on the presence of the Fifth Column in court - a Fifth Column which apparently embraced anyone who might consider Esteva innocent. (The Fifth Column is to the left what the Bolshevik bogey is to the right, a useful political scarecrow). In fact this trial has indeed proved that it is logically difficult to make a sound case against the Vichy political prisoners until Pétain's own case has been disposed of. Therefore the Marshal will probably be tried in absentia some time in April. Despite the attempt by the press to present the Esteva trial as a cause célèbre, the public showed little interest in it. The accused was clearly not a very important figure in the Vichy hierarchy and represented merely the type of blindly obedient and reactionary naval officer which became so familiar during the occupation. The trial, which was the first to be held before the High Court, was conducted with great dignity and made a favourable impression on the foreign correspondents.

8. It is reported that the next trial may be that of General Dentz.

213.

Z 3791

23 MAR 1945

[EN CLAIR]

GENERAL DISTRIBUTION

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper
No. 150 SAVING
21st March, 1945.

D. Untimed 21st March 1945
R. 4.00 p.m. 22nd March 1945

Repeated to Lyons No. 2 Circular Saving
Marseilles ditto
Nice ditto
Bordeaux ditto

4 4 4

Admiral Esteva, Resident General in Tunisia from 1940 to May 1942, appeared before the High Court of Justice in Paris on March 13th. The Court specially constituted to judge the cases of preminent Vichy officials, consists of three magistrates, presided over by Monsieur Mongibeaux. The prosecution was conducted by Procureur General Mornet, who at the end of the last war demanded the death penalty for Bolo Pacha and Mata Hari. Counsel for the defence was Me. Chresteil who defended General Gamelin at Riom. There was a jury of 24 made up of former deputies and members of resistance movements.

Admiral Esteva was charged with:

(i) Having supplied the Italian armies in Libya with grain.
(ii) Having in 1942 aided the establishment of German and Italian troops on the North African coast and on Tunisian aerodromes.
(iii) Having recruited workers and soldiers for the enemy.
(iv) Having put his own prestige at the service of the Germans.
(v) Having accepted their official thanks.
(vi) Having taken part in their parades either in Paris or Vichy.

2. The proceedings opened as usual with the examination of the accused by the President of the Court. It is at this stage that the accused has the greatest opportunity to defend himself and to state his case. Esteva's defence was the familiar one of the "double jeu". He claimed that he had felt it his duty to remain at his post in order that he might prevent Tunisia falling into the hands of the Italians. He did not conceal the fact that he venerated the Marshal. "Mais au-dessus de lui, il y avait la France". He declared that he had used his influence to hold up negotiations with the Germans in 1942 and waited in vain for the arrival of the allies. He maintained that he left Tunis as a prisoner of the Germans and that the letter he was accused of writing to the German authorities from the Ritz Hotel in Paris where he was interned had in fact been extorted from him. He had always hated Germany and despised Italy.

5. The most distinguished witness for the defence was

/Admiral....

23 MAR 1945 FO REGISTRY

7 3791

Admiral Muselier who made a sensational and unexpected appearance as he did in the case of Henri Béraud, but this time in defence of the accused. Admiral Muselier testified that Esteva had always been passionately hostile to Germany, and a sincere admirer of Great Britain. It emerged from the cross examination of witnesses and was honestly reported in Le Figaro that Esteva had indeed protested to Vichy on several occasions and had himself censored several messages from the Marshal before their publication in the Tunisian press. He remained on intimate terms with the American Consulate which to his knowledge was preparing the ground for the North African landings. On the arrival of the Germans he hastened to arrange for the shelter and protection of Communists, Gaullists, Spanish Republicans and Alsatians, to whom he distributed false identity cards.

4. No witnesses were called by the prosecution which was based as in the case of Pucheu on documents. "Je n'ai pas fair citer de témoins", said the procureur général, "parce que je n'en ai pas besoin. Les pièce du dossier me suffisent." After the examination of the witnesses for the defence, all of whom are castigated in the resistance press as Vichyites, the President of the Court summed up in a short speech which included a slashing attack on Vichy and ended by saying that it remained for the court to decide whether Esteva was an accomplice or simply a victim. This alternative left no loophole for the argument of the "double jeu".

5. The prosecution made it plain that the case of Esteva was only a minor one in a vast and complex trial centred round Laval and Pétain. The Procureur Général emphasised that it was not the personal feelings of Esteva that counted, but his official acts and these, besides having favoured the enemy, had dishonoured France in the eyes of the world. He demanded the death penalty. The defence, a lost cause before the trial began, was admirably conducted by Me. Chresteil. He was defending the accused, he said, and not Marshal Pétain, whose trial should logically have preceded that of Esteva. Chresteil scored a sensational point which may weaken the procureur général's position at future trials, by bringing up the previous activities of Mornet, who it was disclosed came out of retirement in 1940 to be vice-president of the commission set up by Vichy to deal with annulments of naturalisations. The president of this commission is now in gaol. Mornet admitted the fact and defended himself by saying that he had remained at his post at the express request of the Jews whose interests he was serving. Chresteil went on to argue point by point the case for the prosecution and succeeded in convincing the court that Esteva could not be held responsible for the surrender of French troops in Tunisia, since the order had originated in Algiers.

6. Esteva's final word was a reaffirmation that he had done what he believed to be his duty and a demand to be freed in order to occupy a post however humble in the forefront of the battle.

The verdict was debated by the 24 jurymen and the three

/magistrates....

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1945

Z

FRANCE

Z 3802
23 MAR 1945

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Registry Number } Z 3802/255/17

FROM Foreign Office Research Department.

No.

Dated 15th March

Received in Registry } 23rd March 1945

Z: France =

The Purge in France: List No.2.

Copy of selective list of twenty-seven French persons arrested during the last four months for collaboration.

Last Paper.

Z3791

References.

Z8651/3794/17: 1944

(Minutes.)

Y.C. 28/3

(Print.)

(How disposed of.)

(Action completed.)	(Index.)
JH 24/3	31/12/46

Next Paper.

Z3916

25695 7/43 F.O.P.

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RESEARCH DEPARTMENT, FOREIGN OFFICE

From the Enquiries Section

21/3
Z 3802
23 MAR 1945

THE PURGE IN FRANCE

II November 1944 - February 1945

The following is a selective list of 27 persons whose arrest was recorded in the Paris Press during the past four months. It includes former Ministers, high officials, generals, journalists and industrialists.

* An asterisk denotes that a previous personality report has already been issued by F.O.R.D.

Further reports will be issued by this Department when possible.

15th March, 1945.

Research Department,
Foreign Office,
Whitehall, S.W.1.

ALEXIS

Director and president of the Board of Administration of the Compagnie des Docks de Marseille, arrested 27th November, 1944 on charges of collaboration with the enemy.

BENON, Michel

Former President of the Chamber of the Court of Appeal in Paris and, under the Occupation, President of the Special Court in Paris for the repression of terrorism; arrested in Paris on 22nd January 1945 on charges of intelligence with the enemy.

BERNARD, Jacques

Director and administrator-delegate of the well-known Paris publishing firm 'Mercure de France'. In February 1945 was charged with intelligence with the enemy and the publication of 40 books of collaborationist tendency. Has been left at liberty pending examination.

BONNET, Georges Edgar

Vice-president of the Board of Administration of Air-France and member of the Board of Administration of the Suez Canal, arrested on 23rd November 1944 on charges of treason. (Not to be confused with Georges Bonnet, the ex-Foreign Minister.)

CARCOPINO, Jerôme *

Aged 64

Reputed scholar and former professor of Roman history; from 1937 to 1940 Director of the French Institute in Rome; in 1940 was appointed Director of the Ecole Normale Supérieure and temporary Rector of Paris University: Minister for National Education and Youth in Darlan's cabinet from 25th February 1941 to 18th April 1942. Was arrested in October 1944 but released temporarily in February 1945; no evidence having been found to warrant the infliction of a penalty other than that of 'indignité nationale', which would bring his case within the competence of a 'civic chamber' only, instead of a Court of Justice.

CHAZELAS, Victor

Aged 62.

Former colonial administrator in French Colonial Ministry and honorary governor of French West Africa, arrested in December 1944, on charges of intelligence with the enemy.

COCHENET, Auguste

Director of the State Police for the Department of Seine-et-Oise under the Vichy Government, and Inspector General for Darnand (Secretary-General for the Maintenance of Order and Chief of the S.O.L. and Militia) in the North of France; arrested November 23, 1944 on charges of intelligence with the enemy.

CLERC, Henri

Former official of the Ministry of Finance, mayor of Aix-les-Bains, Radical-Socialist deputy for Annecy in 1936; journalist and dramatist; collaborator of the papers Oeuvre and La Gerbe under the Vichy régime, director of the Franco-German newsreel film company FRANCE-ACTUALITES. Condemned by Paris Court in January 1945 to penal servitude for life, but sentence later annulled by higher court on account of his advanced age (63 years) which precludes a long term of hard labour. A re-trial is expected.

CYPRIEN-FABRE, Paul

President of the Cyprien-Fabre shipping company of Marseilles, arrested 27 November 1944 on charges of collaboration with the enemy.

DORGERES, Henri (Henri d'Halluin) *

Aged 48. Member of Vichy Conseil National in 1941.

Chief of the Parti Agraire, a peasant movement also known to its opponents as the "Chemises Vertes" or "Cagoule Paysanne" and leader of the "Jeunesses Paysannes" movement. He was arrested in December 1944 on charges of intelligence with the enemy.

KELLER, Georges Eugène

Member of the boards of Administration of Air-France and of the Bank of French West Africa (Banque de l'A.O.F.); arrested on 23rd November 1944 on charges of collaboration with the enemy.

LABROUE, Jean

Former deputy and writer, for whom the Vichy Government had created a chair of "judaisme" at the Sorbonne, arrested in January on charges of intelligence with the enemy and imprisoned at Fresnes.

LAFON or LAFONT, alias Henri Chamberlain

Accomplice of Pierre Bony (q.v.) and member of French Gestapo in Paris. Condemned to death on 12th December by Paris Court of Justice on various charges, including intelligence with the enemy; executed on the 27th December 1944.

LAURENT, Jean

Member of the Boards of Administration of Air-France and of the Bank of Indo-China, arrested on 23rd November 1944 on charges of treason.

LEJEUNE, Albert

Director of the paper Petit Nicois, arrested in October 1944 on charges of intelligence with enemy and executed on 3rd January 1945.

* LEMAIGRE-DUBREUIL, Jacques

Aged about 50.

Director and important shareholder of the Cie des Huiles Lesieur; member of the boards of administration of the Sté. Générale des Pétroles (controlled by the Royal Dutch) and of the Paris store "Printemps". Has a large personal fortune and many international financial interests. In 1933 became President of the Taxpayers' League (directed against the Front Populaire) and was implicated in the Stavisky riots of February 1934. During the present war, he was attached to General Weygand's staff, was captured by the Germans in 1940 but is reported to have escaped shortly afterwards. In 1942 he left the Unoccupied Zone of France for North Africa where he renewed acquaintance with Mr. R.D. Murphy, the representative of President Roosevelt in Algiers, and became a trusted agent in the preparations for the Allied landings in North Africa. He was accused of attempting a monarchist "putsch " about the time of Darlan's assassination. After the arrival of the F.N.C.L. in Algiers he was placed with his former secretary Rigaud (q.v.) in "résidence surveillée" in Morocco, from whence they both escaped in the summer of 1944. Lemaigre-Dubreuil was reported to have spent some time in Spain and possibly in Portugal before re-entering France. He was arrested in Paris on 4th January 1945. The announcements of his arrest do not specify the charges laid against him.

MANGEOT, General

Collaborator of papers Nouveaux Temps and Je Suis Partout, arrested on 6th February 1945 on charges of intelligence with the enemy.

RIGAUD, Jean

Aged about 45, journalist, former administrator of Le Jour, alleged to have been a member of more than one monarchist association. Became private secretary to Jacques Lemaigre-Debreuil (q.v.) in 1941 and arrived with him in North Africa in 1942, where he played an important role in the preparation of the Allied landings in North Africa. He became Secretary for Interior in Darlan's cabinet and was accused with Lemaigre-Debreuil of attempting a monarchist 'putsch' about the time of Darlan's assassination. He was placed in "résidence surveillée" in Morocco in 1943, escaped to Spain with Lemaigre-Dubreuil in 1944, and was arrested in Paris on the 4th of January, 1945. The announcements of his arrest do not specify the charges against him.

MONIOT, General de Brigade X

Former secretary general of "Defense Aérienne" (Home Defence Air Force) who is accused of having aided the Germans at the time of the Allied landing in Normandy, arrested on charges of treason on 4th November, 1944.

PUJO, General

Minister for Air from 16/6/40 till 7/9/40. President of the Board of Administration and director of the Compagnie Air-France; arrested on 23rd November 1944 on charges of treason, the indictment setting forth that he had turned over to the Germans aviation matériel belonging to the Company and had sent aviation personnel into Germany with the approbation of the Vichy Government.

ROCHEFOUCAULD, Comte Stanislas de la

Former political commentator of Radio-Paris during the Vichy régime. Before the War was known in Paris chiefly as a man about town and husband of the actress Alice Cocéa. When arrested in January 1945 is said to have remarked "J'ai eu tort, il est vrai, mais admettez que j'ai failli avoir raison".

SABRE, Victor

Administrator and director of the Paris department store 'Bon Marché', charged in February 1945 with having subsidised Doriot's P.P.F. and the Pariser Zeitung. Has been left at liberty pending examination of his case.

SPINASSE, Charles

Aged 51 years.

Socialist deputy and writer; Minister for National Economy in first Blum Government of June 1936, and Minister for the Budget in second Blum Government of March 1938. Under the Vichy régime was given the chair of History at the Ecole des

Arts et Métiers. He was the chief editor of Effort, a collaborationist daily which appeared in Lyons under the Occupation; he wrote also for Rouge et Bleu, a Parisian paper of similar tendencies. He was arrested on 22nd January 1945 on charges of intelligence with the enemy.

VERGNAULT, General

Former director of the Chatellerault arms factory. He was condemned by Court of Justice of Vienne to 15 years' penal servitude, 'indignité nationale' and the confiscation of his property on 2nd January 1945 for intelligence with the enemy.

ZUCCARELLI, Georges

Aged 39 years, journalist.

Member of the Radical Party, Venerable of the Masonic Lodge "Le Droit Humain". In 1940 became co-editor of the collaborationist paper Les Nouveaux Temps. Condemned by Paris Court of Justice on 23rd January 1945 to 10 years' penal servitude for intelligence with the enemy.

38

1945

Z

FRANCE

223

Z 3916

26 MAR 1945

Registry Number } Z 3916/255/17

TELEGRAM FROM Mr. Duff Cooper, Paris

No. 153 Saving

Dated 22nd Mar. 1945

Received in Registry } 26th Mar. 1945

Z: France

Arrest of Monsieur Albert Bayet's son for collaboration.

Reports the arrent on 9th March of Monsieur Yves Bayet, principal assistant of the Paris Prefect of Police, and son of Monsieur Albert Bayet, President of the National Federation of the Press. Discusses his activities and adds that the arrest was the more sensational because it took place on the same day as his father's speech attacking the government, but there is believed to be no connexion between the two events. The arrest is thought to have been engineered by the family's enemies, including important press interests.

Last Paper.

Z 3802

References.

(Print.)

(How disposed of.)

8) Miss McLeod, NDI
c 28 March

(Minutes.)

Copy Miss McLeod, M. of I.

F. Simpson 27/3

Albert Bayet's
pers... 27/3

(Action completed.)

30/3

(Index.)

11/12/46 DW

Next Paper.

Z 3955/9

22175 2'41 F.O.P.

224

2

[EN CLAIR] DEPARTMENTAL NO. 1.

FROM PARIS TO FOREIGN OFFICE.

Mr. Duff Cooper. D. 22nd March, 1945.
No. 153 SAVING
22nd March, 1945. R. 1.20 p.m. 25th March, 1945.

3916
26 MAR 1945

£ £ £ £

Some stir has been caused in Paris by the arrest on 9th March of M. Yves Bayet, principal assistant of the Paris Prefect of Police and son of M. Albert Bayet, President of the National Federation of the Press, on charges arising out of judicial investigation of Vichy anti-communist police activities in the Nantes Area.

2. Yves Bayet held various administrative posts under Vichy, but he was in fact an important member of the group called "Noyautage des Administrations Publiques" entrusted by the Algiers Commissariat of the Interior with the penetration of the Vichy administration. As such, he naturally took care to cover his traces by a show of considerable Pétainist zeal and it is quite probable that he found himself obliged on occasion to assist at the interrogation of suspects arrested by the political police. In spite of this the real value of his services to the Resistance is confirmed by all who worked with him before the Liberation.

3. The arrest was all the more sensational because on the 7th March, the day on which the warrant was actually signed, Albert Bayet made a speech in the debate in the Consultative Assembly on the Estimates of the Ministry of Information in which he strongly attacked the Government. There is, however, no evidence to show any connexion between the speech and the arrest. It is believed that General de Gaulle was not consulted about the arrest and that he was very angry when he learned of it. Albert Bayet however, has not improved his son's position by the hysterical protests which he made in the press and by the way in which in conversation he led many people to believe that he had been the object of official pressure and has been given to understand that the charges against his son would be withdrawn, if he resigned from the National Federation of the Press, all of which was apparently quite untrue.

4. It is still not clear what exactly is behind the arrest but there is reason to think that it was engineered by the enemies of the Bayet family, including important interests in the press world, who would wish to strike at Albert Bayet through his son, the former being a principal obstacle to the reappearance of the banned newspapers. In addition, Yves Bayet, as a Police chief prominently connected with arrests of collaborationists, has obviously many enemies.

5. The National Federation of the Press has published a declaration of solidarity with their President which has been featured by all the Resistance papers.

28 MAR 1945
F.O. REGISTRY

5 1945

WESTERN

Z 3955/G

26 MAR 1945 225

Z3955/255/G 1/4

P.M's Minute H 192/5.

Dated 10 March
Received 26 March.

France: M. Flandin

Agrees with action proposed, but states that it would be an unfair deduction that Flandin was responsible for breaking off negotiations.

Last Paper.

Z3164

References.

Z3164/255/5.

(Print.)

(Minutes.)

See within.

H.J.S. 28/3

(How disposed of.)

Tel to Rome 289 Saving
Paris 518 Saving
✓ 25 March

(Action completed.)

D.F. 29/3

(Index.)

Next Paper.

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Nothing to be Written in this Margin.

Please see the Prime Minister's minute attached about the alleged secret agreement with Pétain, and the minutes by the Secretary of State and Mr. Dixon thereon.

I take it that the Prime Minister agrees to our proposal for an inspired Parliamentary Question. I attach a draft. If it is approved it should be telegraphed to Lord Halifax for his concurrence since we have promised to consult him. It should then presumably be sent to Mr. Duff Cooper with instructions to communicate the text to M. Bidault and to tell him the date when the statement will be made. This ought to be timed so as to allow M. Bidault to comment if he wishes, but I do not think that we need seek his comments or ask his concurrence.

As regards Mr. Dixon's minute, the memorandum which the Secretary of State sent to the Prime Minister has not been given further circulation. Mr. Duff Cooper and Lord Halifax were sent a rather fuller documentation of the case in which the offending passage did not occur.

R. L. Speaight

17th March, 1945.

I daresay the P.M.'s concurrence should be obtained to the terms of the draft answer, before we telegraph it to Lord Halifax (who is not likely to want to alter it). J.R. 19.3.

P.T.O.

I hardly think it
is necessary to refer
this to F.O. again - esp.
in view of F.O.'s minute
on F.H.'s minute.

Can it therefore be treated
as in first instance to be referred
draft reply to D. Hellstax?

Churchill
20/iii

I have not seen
the slightest interest in
this business anywhere
and I should prefer to
let it alone unless a
until it comes before
the world again. Here
is a sleeping cur.

Saving Bd.
to W.Tr.
pres 23/3.

Edwin 24

Nothing to be Written in this Margin.

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P. D.

I don't think any answer is required; I should just file it away.

15 Mar 13

Western Dept.

But we shd. presumably omit the last 2 sentences of para. 6 of the note enclosed in minute P.M. 45/85, if this is to receive any further circulation. P.D. 15/3.

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PRIME MINISTER'S
Z 3955 10, Downing Street,
PERSONAL MINUTE
26 MAR 1945

SERIAL No. M 192/5

FOREIGN SECRETARY

I quite agree with the action you propose about this matter (as minimal action) which anyhow is of no significance. I am struck however by the reference in the Foreign Office note to Flandin which I have marked "no". It would be an unfair deduction that Flandin was responsible for breaking off the negotiations. He may well have heard that they were in progress and have come into office in the hopes of carrying them further. He was very soon turned out of office on the demand of the Germans because they saw quite clearly he was not their man. Considering how ill-used this distinguished Frenchman has been on frivolous and malignant charges, I cannot see why he should not have used, in his defence ("de bene esse") the Rougier material. I shall certainly defend him in public if he is sentenced to death or a long term of solitary confinement and express my disgust at his treatment. I do not

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think it is a good principle to hit a man when he is down.

WS

10.3.45.

Ref: P.M. 145/85

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z 3955/255/G

Draft.

H.M. Ambr.
Wiesbaden

Tel. No. saving
dated 28 March 25
repeat HMA
Paris No 518 saving

cypher

Depr. No. 2.

6. Wash 25/3 231

Your Tel. No. 1513 [of March 12: alleged pact with Pétain].

As interest in this story seem to have dropped, I do not propose to inspire a Parliamentary Question at present. We are however ~~ready to make a~~ in a position to make a statement a short notice if the need arises.

Miss 25/3.

232

Z /G

[EN CLAIR] DEPARTMENTAL NO. 2

FROM FOREIGN OFFICE TO WASHINGTON

No. 289 SAVING 25th March, 1945

Repeated to Paris No. 518 Saving

g g g g g

Your telegram No. 1513 [of March 7th: alleged pact with Pétain].

As interest in this story seems to have dropped, I do not propose to inspire a Parliamentary Question at present. We are however in a position to make a statement at short notice if the need arises.

233

END.

PUBLIC RECORD OFFICE

Group ..... FO .....

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Piece ..... 49139 ...

Following document(s) retained in the

Department of origin under Section 3 (4)

of the Public Records Act, 1958

Z 3956 / 255 / 17

WESTERN

1945

F.O.
371

[redacted]

FRANCE

FILE No. 855

P.2 4105 - 5570

CLOSED
UNTIL
1972

49140

41

1945

Z

FRANCE

2

Z 4105

30 MAR 1945

Z Registry Number } Z 4105/255/17

FROM Mr. Duff Cooper
Paris

No. 338 69/34/45.

Dated 22nd March, 30th

Received in Registry } 30th March, 1945.

Z: France.

French dissatisfaction with the progress of the Purge

Refers to Paris despatch No. 11 of 4th January (Z 525/255/17) and encloses the "Journal Officiel" Nos. 6-9, giving a copy of a full record of the debate on the Ministry of Justice Estimates, referred to in Paris telegram No. 109 saving (Z 2623/14/17). Summarises M. de Menthon's speech on the progress of the Purge, and discusses the Government's difficulties, adding that althought an honest attempt to deal with the problem has been made, no one in France is satisfied with the result. No major economic collaborators have been brought to justice to justice but un-important offenders have been punished. Copied Lyons, Marseilles, Nice and Bordeaux.

Last Paper.

Z 3956/4

References.

2525/255/17.

PRINTED (Print.)

KCD. Blanche 1814 enclosure Conf. ends March 30

(How disposed of.)

8) in print: Flemming
126 in Dmorton, NDIA 10
12. Miss E. Mckay MOI April 28

49140

(Action completed.) 8/8 45

(Index.) 12/12/45

Next Paper.

24177

(Minutes.)

Copy. { Sir D. Morton (in print)
Miss McLeod, M. of I. (in print) (~~in type~~)

This gives a pretty impressive account of the French Govts. achievements in the matter of the purge despite M de Menthon's shortcomings (Mr Duff Cooper considers the Ministers critics have real cause for complaint - see §6).

Although few people in France are satisfied with the progress of the purge, the Govts. policy of resisting popular clamour on the one hand & M Monnier on the other and keeping steadily to a middle course of their own has probably been in the best interests of France.

F. A. Simpson 11/4

F.O.R. 30/3/45

25695 7/43 F.O.P.

/ Yes.

3

8

Yes. the Govt. have been unfairly attacked over the purge, as was probably inevitable. This is a useful despatch.

R.L. Speaight 11/4

Although this despatch is rather long-winded, it is I think of sufficient general interest to be printed

K.C.O.

H.Montgomery

13.4

Print K.C.O.

W

16/4

2.4105

4

Western Division

A copy has been sent to The King.

Despatch Section.

Circulated to the Cabinet by direction of
The Secretary of State for Foreign Affairs.
THIS DOCUMENT IS THE PROPERTY OF HIS BRITANNIC MAJESTY'S GOVERNMENT
ARCHIVES

[Z 4105/255/17] Copy No.

Mr. Duff Cooper to Mr. Eden.—(*Received 30th March.*)

(No. 338.)

Sir, *Paris, 22nd March*, 1945.

WITH reference to my despatch No. 12 of the 4th January, I have the honour to report that in his first speech in the debate, reported in my Saving telegram No. 109 of the 23rd February, a copy of the full record of which is enclosed,(1) the Minister of Justice gave some interesting figures on the progress of the Purge. He said that at the time of the Liberation there were roughly 100,000 individuals under arrest throughout France for collaboration. Some 15,000, including, of course, most of the worst offenders, had taken flight to Germany. There were about 100,000 more whose names figured, rightly or wrongly, on the lists of the so-called "anti-national groups," membership of which itself involves national indignity. In addition there were of course many thousands of others who were suspect, however unjustly.

2. M. de Menthon recalled that already before the Liberation the Government had decided to base the punishment of traitors on three principles :—

(*a*) If the prosecution asked for sentences of imprisonment or death, the charges would be based on the law as it stood on the 16th June, 1940, in fact on article 75 and the immediately following articles of the Penal Code.

(*b*) Juries would be drawn from proved members of the Resistance.

(*c*) For cases not covered by the laws of the Third Republic, they would establish the new crime of "national indignity," with the punishment of "national degradation."

Three special types of court would be set up, the High Court (modelled to some extent on the Senate High Court of the Third Republic), the "Courts of Justice" and the "Chambres Civiques." Thus everyone accused of collaboration would be given regular trial, with preliminary examination by a professional judge. All the essential rights of the defence would be retained and so would the procedure for appeals in cassation and for mercy.

3. To carry out the above principles and to deal with the vast number of accused, the Government had to set up a huge temporary judicial machine. In the twenty-seven Regional Courts of Justice there were in all 125 separate panels. The Chambres Civiques numbered about 100. In Paris there were seventeen panels of the Court of Justice and eight Chambres Civiques, comprising 152 of the 713 professional magistrates (one-third of the whole magistrature) who are now employed in the Courts of Justice. The Minister estimated that the total number of cases to be dealt with by the Courts of Justice was 60,000. On the 1st January, 4,000 had been tried, on the 1st February 6,000 and on the 18th February 7,053. (On the 1st March the total was 8,130.) Five hundred and seventy-four death sentences had been pronounced. In addition, in the early days of liberation 2,000 persons had been convicted before courts-martial, making a total of 9,000 individuals tried, of whom 1,500 had been condemned to death. M. de Menthon said that the rate at which cases were disposed of would shortly be considerably increased. (This improvement appears to have been achieved. On the 14th March there were 137 convictions, including ten death sentences; on the 16th, 124, with nine death sentences.) The Minister added that the number of cases sent for trial was already falling off and that it could be expected that half of the total number of cases would be tried before the 1st April and virtually all before the 1st August. In many departments the whole business would be completed by the 1st May, which would enable them to transfer judges to the congested courts. In this way they hoped that the Court of the Department of the Seine, which had to deal with about a quarter of all the cases in France, would have completed its work by the 1st July.

4. M. de Menthon admitted that the situation as regards the Chambres Civiques was less satisfactory. These had so far dealt adequately with the

(1) Not printed.

relatively small number of cases sent to them for trial, 3,500 of which had been disposed of by the 1st February. But they would shortly be swamped by the 100,000 cases of those who had belonged to the anti-national groups. It was to meet this congestion that the Government had introduced the summary procedure for withdrawing the right to vote from the accused without trying them fully on the charge of national indignity. Later on the numbers of Chambres Civiques would be increased so that their work should be completed at latest by the 1st September. M. de Menthon had naturally little to say about the High Court, which had not then sat, except to point out that many of those who should be tried before it were now in flight. In fact, only thirty-seven out of seventy accused are under arrest or on bail.

5. In view of the enormous number of cases with which the Government was faced, it may well be considered no mean achievement to liquidate, by means of regular trials, the results of four years of German occupation within twelve months of the liberation of Paris. One of the Government's most serious difficulties has been the severe shortage of professional judges, the French Magistrature being now 25 per cent. below its proper strength. To staff the Courts of Justice the Government have introduced a wide range of measures in order to make a more economical use of the available judges. The most important of these measures is the institution of a single judge in courts of first instance, a change which goes to the roots of the French judicial system and is still a matter of considerable controversy. The Government hope thus to raise the number of judges engaged on the purge trials to 1,000. This is nearly half the present total membership of the professional magistrature in France, excluding police court magistrates (Juges de Paix), from which it will easily be seen how very severe is the strain imposed on the French judicial system by the Purge trials. Another serious difficulty is the strain on the prison system. The prisons, already overcrowded, particularly since transportation ceased, are now utterly inadequate. There is also a lack of warders, and many who joined the service only to escape going to Germany have been compelled to remain unwillingly at their posts.

6. But though the dispassionate observer may conclude that the Government have made a very honest attempt to deal with an exceedingly difficult problem, they have certainly failed to satisfy anyone in France. The attitude of the Resistance and the Left was recently well summarised in an article in *Combat*, a paper which now contains the best reasoned and most authoritative criticisms of the Government. Albert Camus wrote: "It is now too late. Journalists who deserved less will continue to be condemned to death. Recruiting agents who defend themselves ably will be acquitted: and tired of such uncertain justice, the people will continue to intervene from time to time in matters that should not concern it. A certain native good sense will save us from the worst excesses, fatigue and indifference will do the rest. . . . Yet a country which bungles its Purge is preparing to bungle its reconstruction." The fundamental reason for the dissatisfaction of the Left is the undoubtedly justified belief that M. de Menthon, however good his intentions, has shown a serious lack of firmness and drive, with the result that the machinery of the purge trials took too long to get going and still works too slowly and too uncertainly. The critics maintain that the spirit of Vichy is still far too strong in the courts and in the Ministry of Justice. It was, for instance, only in February that the prosecutor at the Riom trials was obliged to retire from his post at the Court of Cassation. A case quoted in the debate as a typical instance of the state of mind which is said to reign among too many judges, was the refusal of the Paris Court of Appeal to quash the conviction of four young members of the Resistance who in 1942 were tried (and subsequently shot) for stealing stocks of food which they distributed to the Resistance. Another cause of complaint is the wide variation in the sentences given by different courts and even by different panels of the same court, although, as M. de Menthon pointed out, this is an inevitable consequence of leaving the courts complete freedom of decision. In this connexion the Minister was attacked for penalising the zealous magistrates of the court at Aix-en-Provence, who at one time had dealt with one-sixth of all the cases tried in France, but who were then transferred to inferior posts.

7. The most serious cause of dissatisfaction is the feeling that the Purge is falling much more heavily on the small fry than on the leaders of collaboration, that some of the worst offenders are still at liberty or are not being tried, that certain others who are known to be in France, such as Prouvost, Carbuccia and Baudouin, are able to evade arrest with suspicious facility, and especially that very little progress is being made with the punishment of economic collaborators.

The High Court has at last opened with the trial of Admiral Esteva, on which I have reported separately, and it will presumably now try a series of leading figures of the Vichy régime. It seems likely, however, that the Esteva trial will strengthen the view, which was put forward in the debate, that the right course would have been to have begun with the trial of Pétain himself, even in his absence. There is certainly force in the argument that it is illogical to try senior officers who were acting on Pétain's orders, so long as he himself has not been convicted. At Admiral Esteva's trial the aged Procurator-General, M. Monnet, who prosecuted Mata Hari and Bola Pasha, announced that Pétain would be tried *in absentia* within two months.

8. The worst feature of the Government's record as regards the Purge is certainly its failure to bring to justice a single major economic collaborator. M. de Menthon was able to quote the names of a number of big business figures who are under arrest, but although after five months' investigation of the *Maquis des Chiffres*, 1,200 cases are pending, not one case has been brought to trial. Failure to produce results in this sphere is important at a time when a vocal section of the Resistance is beginning to question the sincerity of Maurice Schumann's diatribes against major economic collaborators, which were a greatly appreciated item of the B.B.C.'s programme for two years, and were widely interpreted in France as a pronouncement of the Provisional Government's policy. The process of auditing accounts and collecting commercial and industrial evidence is necessarily protracted, but since the local committees set up to confiscate illicit profits have already tried more than 5,000 cases and confiscated a milliard of francs, there is no very obvious reason why some of the major figures who financed the treason of men like Darnand, Brasillach, Suarez and Stephan Lauzanne, should not already have been brought to court. This situation gives the Communists a heaven-sent opportunity for propaganda of which they make the most on every occasion. They have always made a point of demanding the confiscation of businesses of economic collaborators, a programme which enables them to evade the awkward issue of compensation for nationalised enterprises, and they have recently tabled a motion in the Assembly calling for the trial of the directors of four big banks, the Crédit Lyonnais, the Comptoir National d'Escompte, the Société Générale and the Banque Nationale pour le Commerce et l'Industrie on charges of intelligence with the enemy. The motion has not yet been discussed by the Assembly and the Government have doubtless no intention of acting on it. But it certainly does seem important that they should press on with the punishment of wealthy economic collaborators if they are to avoid the charge of choosing a few prominent journalists and officials as scapegoats in order that the mass of well-to-do collaborators shall escape scot-free.

9. On the other side there is the body of opinion which considers that the Government's Purge policy is far too severe and which would like to put a quick end to the whole business of the Purge trials, apart perhaps from the punishment of a few outstanding figures. Many of the exponents of this view are doubtless self-interested. Of its honest advocates, by far the most effective is François Mauriac, whose articles eloquently express the horror which he feels at the idea of the punishment of upwards of 200,000 Frenchmen for their record under the occupation. The criticism from the Right of the Government's purge policy has recently been powerfully reinforced by an important memorandum submitted to the Government on behalf of the Council of the Paris Bar, by its *bâtonnier*, Me. Charpentier, who defended M. Paul Reynaud at Riom and was a member of the Comité Général d'Études, the small body in which M. de Menthon, M. Teitgen and other leading intellectuals in the Resistance met and worked out the basis of much of the legislation enacted at Algiers and since the liberation. The council, after recalling that the Government promised the complete re-establishment of republican liberties, declares that this is far from being achieved, and calls for a number of changes in the present judicial system. They ask in particular that in the courts of justice the defence shall have the right to object to members of the jury, that the control of the Court of Cassation over all special courts shall be re-established, that administrative internment shall only be imposed after a full examination of the charges before a Commission which will ensure the rights of the defence, and that these rights shall also be restored in proceedings before the committees for the confiscation of illegal profits. This memorandum, which actually applies to the Purge courts the term *juridictions d'exception* normally used of the hated special courts set up under Vichy, has been warmly welcomed in the Radical-Socialist and Right press. But the Government, being under fire from the Left for slowing up the

Purge trials by insisting on too much judicial paraphernalia, is unlikely to make many concessions to this point of view. Between opinions so divided it is doubtless wise to pursue a middle course, at the price of satisfying neither side.

10. While all are agreed that the Purge is too slow, it seems on the whole probable that more people consider that it is too mild than that it is too vindictive. As reported in my despatch No. 11, the most sinister result of public dissatisfaction is the frequency of lynchings, which continued to take place during the early weeks of the year, mostly in the south. (The courts in the south seem to have been more severe than in the north, and a correspondingly large number of their death sentences have been commuted.) There were lynchings at Annecy, Annemasse, Roanne, Rodez, Béziers, Bourg and two particularly bad cases at Gap, where twelve people were involved. In this connexion it is of interest that M. André Philip said in the Assembly some time ago that one lasting legacy of the demarcation line was that there was now far less respect for authority in the south than in the north of France. In the occupied zone the Administration, being brought immediately in contact with the Germans, had on the whole resisted so far as it could and had thus kept the respect of the population. In the south, because orders came from French authorities in Vichy by November 1942, officials had acquired the habit of collaboration which persisted under the occupation, so that they were much more identified in the public mind with collaboration than were officials in the north. Most of the lynchings have been carried out by small armed bands, but in the most notable case, which occurred at Dijon on the 15th February, an ex-commissaire of police, whose trial had been adjourned *sine die* in the alleged interests of political deportees in Germany, was dragged by a large crowd from the prison and hanged on a lamp-post. It is satisfactory that the press in general now condemns these incidents and that action is now possible against their perpetrators. A gang of some twenty individuals responsible for summary executions in the south was recently arrested. During the last few weeks no further lynchings have been reported.

11. The conviction and sentence to terms of imprisonment of three F.F.I. officers involved in the grave incidents at Maubeuge last October, which were hushed up at the time, has assumed considerable political importance. As the result of violent demonstrations against a number of prominent collaborators imprisoned at Maubeuge, five of the leading figures were tried and sentenced to death at a summary midnight court-martial. Two were reprieved by General de Gaulle, but were shot in the prison on the orders of the F.F.I. officer in command at Maubeuge, who, under the name of "Prosper," had been the leading figure in the Resistance of the district. In the Assembly debate on the Ministry of Justice, Father Philippe, a priest who represents the Front National, speaking amid loud applause on behalf of his movement, demanded the revision of the sentences, on the ground that if Prosper had not acted as he did, the mob, infuriated by the reprieve of two hated collaborators, would have stormed the prison and lynched all the other prisoners, many of whom were minor offenders. General de Gaulle is, however, not the man to yield to pressure of this kind and it is believed that the agitation on behalf of these officers has only made him abandon, at least for the present, his intention of pardoning them after a decent interval.

12. It should not be forgotten that the Purge trials impose a very special burden on General de Gaulle himself, since, as Acting Head of the State, he holds the right of pardon and reprieve. As a devout Catholic he takes this responsibility very seriously indeed. He devotes two evenings a week to considering appeals for mercy and goes meticulously into each case, often interviewing the counsel for the defence and working far into the night. He permits no discussion of the decisions which his conscience dictates. Speaking in the debate after the general's speech on the Government's internal policy on the 2nd March, M. Daniel Mayer criticised the use made of the power of reprieve and, in particular, the reprieve of Béraud. General de Gaulle interrupted him and, speaking with much dignity, said that he could not enter into any discussion on this subject, which M. Mayer had the good sense to drop at once.

13. It is therefore easy to understand that General de Gaulle should have wished to set a term to the more serious Purge trials by announcing on the 23rd January that those in which proceedings had already begun and in which the prosecution would ask for a death sentence, must be complete by the 1st May. The National Council of Resistance, fearing that some sort of amnesty for collaborators was contemplated, sent a delegation to the Minister of Justice, who assured them that the decision would in no way protect those who had gone to earth to avoid arrest or who had taken refuge from justice in Germany. It remains to be seen whether the Government will be able to stand by this date.

While the number of death sentences remains high, it is now falling, as would be expected in proportion to the total number of trials held. The Government has evidently maintained the decision, announced at the same time, to complete the Purge of civil servants by the 15th February for the Central Administration, and the 15th March for the Provincial Administrative services. Figures have been published for a number of Ministries. In the Ministry of Information 372 out of a total of 500 officials incurred varying penalties, and in the Ministry of the Interior 77 out of 231 higher officials were removed. One eighth of the members of the French Magistrature have been removed or suspended, and one-quarter of the members and higher staff of the Conseil d'État. It is clear from these figures that the administrative Purge has not been a pure formality.

14. It should indeed be a happy day for France when the Government can announce that the Purge trials too are completed. Yet in spite of all the dissatisfaction about the Purge, it is difficult to see how the Government could have adopted any radically different policy. Some critics say that there should have been a large number of quick trials of the major offenders right at the start (as, for instance, in the case of Admiral Platon who was tried and condemned by a summary self-constituted court in a maquis) and then a general amnesty. But there would certainly have been a great outcry against such illegal methods. To those who say that they are too severe on the small fry, the Government can answer that the great majority of these people are real traitors, Gestapo spies, delators and so on, very many of them directly responsible for the death, torture or imprisonment of Frenchmen. There may be more force in the objection that the severe penalty of "national degradation" is too much to inflict on 100,000 or more members of collaborationist groups. Yet, can the new French democracy safely allow the very considerable number of convinced Fascists to keep their political rights? The sufferings of the occupation period have left so much bitterness behind that if the Government had not been severe in punishing collaboration, there would certainly have been serious trouble. As it is there have been far too many lynchings of reprieved collaborators. The worst feature of the Government's record is the failure to punish economic collaborators. But even in this case the Government has the genuine excuse that it is the economic collaborator whose real guilt is most difficult to prove, since he can so often argue that by working or pretending to work for the enemy, he was saving his workpeople or his plant from removal to Germany. In all the circumstances one is forced to the conclusion that the right course for the Government is to go ahead as vigorously as possible on the lines it has set itself, in the hope that within a reasonable time passions will have cooled sufficiently to make possible an amnesty on a very large scale.

I am sending copies of this despatch to His Majesty's consular officers at Lyons, Marseilles, Nice and Bordeaux.

I have, &c.
DUFF COOPER.

Sir Yorston

MARCH 30
SECT 1 10

Print France

[Z4105/255/17]

KCD

(Withdrawn)

09/34/45.

(No. 338.)

Mr Duff Cooper to Mr Eden.

(Received March 30th, 4.5)

Z 4105

BRITISH EMBASSY,

PARIS,

d. 22nd March 1945.

30 MAR 1945

r. 30th March

Sir,

With reference to my despatch No. 11 of the 4th January, I have the honour to report that in his first speech in the debate reported in my Saving telegram No. 109 of the 23rd February, a copy of the full record of which is enclosed,(1) the Minister of Justice gave some interesting figures on the progress of the Purge. He said that at the time of the Liberation there were roughly 100,000 individuals under arrest throughout France for collaboration. Some 15,000, including of course most of the worst offenders, had taken flight to Germany. There were about 100,000 more whose names figured, rightly or wrongly, on the lists of the so-called "anti-national Groups", membership of which itself involves national indignity. In addition there were of course many thousands of others who were suspect, however unjustly.

2. ~~Monsieur~~ de Menthon recalled that already before the Liberation the Government had decided to base the punishment of traitors on three principles:

(a) If the prosecution asked for sentences of imprisonment or death, the charges would be based on the law as it stood on June 16th 1940, in fact on Article 75 and the immediately following articles of the Penal Code.

(b) Juries would be drawn from proved members of the Resistance.

(c) For cases not covered by the laws of the Third Republic, they would establish the new crime of "national indignity", with the punishment of "national degradation".

Three special types of court would be set up, the High Court (modelled to some extent on the Senate High Court of the Third Republic), the "Courts of Justice" and the "Chambres Civiques". Thus everyone accused of collaboration would be given regular trial, with preliminary examination by a professional judge. All the essential rights of the defence would be retained and so would the procedure for appeals in cassation and for mercy.

3. To carry out the above principles and to deal with the vast number of accused, the Government had to set up a huge temporary judicial machine. In the 27 Regional Courts of Justice there were in all 125 separate panels. The Chambres Civiques numbered about a hundred. In Paris there were 17 panels of the Court of Justice and 8 Chambres Civiques, comprising 152 of the 713 professional magistrates (one third of the whole Magistrature) who are now employed in the Courts of Justice. The Minister estimated that the total number of cases to be dealt with by the Courts of Justice was 60,000. On the 1st January, 4,000 had been tried, on the 1st February 6,000 and on the 18th February 7,053. (On the 1st March the total was 8,130) Five hundred and seventy-four death sentences had been pronounced. In addition in the early days of liberation 2,000 persons had been convicted before Courts Martial, making a total of 9,000 individuals tried of whom 1,500 had been condemned to death. Monsieur de Menthon said that the rate at which cases were disposed of would shortly be considerably increased. (This improvement appears to have been achieved. On the 14th March there were 137 convictions, including ten death sentences; on the 16th, 124, with nine death sentences). The Minister added that the

(1) Not Printed

~~The Right Honourable Anthony Eden, M.C., M.P.,~~

~~etc., etc., etc.~~

[64-64] B B2 (1)

number of cases sent for trial was already falling off and that it could be expected that half of the total number of cases would be tried before the 1st April and virtually all before the 1st August. In many departments the whole business would be completed by the 1st May; which would enable them to transfer judges to the congested Courts. In this way they hoped that the Court of the Department of the Seine, which had to deal with about a quarter of all the cases in France, would have completed its work by the 1st July.

Br. E.3

4. Monsieur de Menthon admitted that the situation as regards the Chambres Civiques was less satisfactory. These had so far dealt adequately with the relatively small number of cases sent to them for trial, 3,500 of which had been disposed of by the 1st February. But they would shortly be swamped by the 100,000 cases of those who had belonged to the anti-national groups. It was to meet this congestion that the Government had introduced the summary procedure for withdrawing the right to vote from the accused without trying them fully on the charge of national indignity. Later on the numbers of Chambres Civiques would be increased so that their work should be completed at latest by the 1st September. Monsieur de Menthon had naturally little to say about the High Court, which had not then sat, except to point out that many of those who should be tried before it, were now in flight. In fact only 37 out of 70 accused are under arrest or on bail.

5. In view of the enormous number of cases with which the Government was faced, it may well be considered no mean achievement to liquidate, by means of regular trials the results of four years of German occupation within twelve months of the liberation of Paris. One of the Government's most serious difficulties has been the severe shortage of professional judges, the French Magistrature being now 25% below its proper strength. To staff the Courts of Justice the Government have introduced a wide range of measures in order to make a more economical use of the available judges. The most important of these measures is the institution of a single judge in Courts of First Instance, a change which goes to the roots of the French judicial system and is still a matter of considerable controversy. The Government hope thus to raise the number of judges engaged on the Purge trials to 1,000. This is nearly half the present total membership of the professional Magistrature in France, excluding police court magistrates (Juges de Paix), from which it will easily be seen how very severe is the strain imposed on the French judicial system by the Purge trials. Another serious difficulty is the strain on the prison system. The prisons, already overcrowded, particularly since transportation ceased, are now utterly inadequate. There is also a lack of warders and many who joined the service only to escape going to Germany, have been compelled to remain unwillingly at their posts.

6. But though the dispassionate observer may conclude that the Government have made a very honest attempt to deal with an exceedingly difficult problem, they have certainly failed to satisfy anyone in France. The attitude of the Resistance and the Left was recently well summarised in an article in Combat, a paper which now contains the best reasoned and most authoritative criticisms of the Government. Albert Camus wrote: "It is now too late. Journalists who deserved less will continue to be condemned to death. Recruiting agents who defend themselves ably will be acquitted: and tired of such uncertain justice, the people will continue to intervene from time to time in matters that should not concern it. A certain native good sense will save us from the worst excesses, fatigue and indifference will do the rest..... Yet a country which bungles its purge, is preparing to bungle its reconstruction." The fundamental reason for the dissatisfaction of the Left is the undoubtedly justified belief that Monsieur de Menthon,

however good his intentions, has shown a serious lack of firmness and drive, with the result that the machinery of the Purge trials took too long to get going and still works too slowly and too uncertainly. The critics maintain that the spirit of Vichy is still far too strong in the Courts and in the Ministry of Justice. It was for instance only in February that the prosecutor at the Riom trials was obliged to retire from his post at the Court of Cassation. A case quoted in the debate as a typical instance of the state of mind which is said to reign among too many judges, was the refusal of the Paris Court of Appeal to quash the conviction of four young members of the Resistance who in 1942 were tried (and subsequently shot) for stealing stocks of food which they distributed to the Resistance. Another cause of complaint is the wide variation in the sentences given by different Courts and even by different panels of the same Court, although, as Monsieur de Menthon pointed out, this is an inevitable consequence of leaving the Courts complete freedom of decision. In this connection the Minister was attacked for penalising the zealous magistrates of the Court at Aix-en-Provence, who at one time had dealt with one-sixth of all the cases tried in France, but who were then transferred to inferior posts.

7. The most serious cause of dissatisfaction is the feeling that the Purge is falling much more heavily on the small fry than on the leaders of collaboration, that some of the worst offenders are still at liberty or are not being tried, that certain others who are known to be in France, such as Prouvost, Carbuccia and Baudouin, are able to evade arrest with suppicious facility, and especially that very little progress is being made with the punishment of economic collaborators. The High Court has at last opened with the trial of Admiral Esteva, on which I have reported separately, and it will presumably now try a series of leading figures of the Vichy regime. It seems likely, however, that the Esteva trial will strengthen the view, which was put forward in the debate, that the right course would have been to have begun with the trial of Pétain himself, even in his absence. There is certainly force in the argument that it is illogical to try senior officers who were acting on Pétain's orders, so long as he himself has not been convicted. At Admiral Esteva's trial the aged Procurator General, Monsieur Monnet, who prosecuted Mata Hari and Bola Pasha, announced that Pétain would be tried in absentia within two months.

8. The worst feature of the Government's record as regards the Purge is certainly its failure to bring to justice a single major economic collaborator. Monsieur de Menthon was able to quote the names of a number of Big Business figures who are under arrest, but although after five months investigation of the "Maquis des Chiffres", 1,200 cases are pending, not one case has been brought to trial. Failure to produce results in this sphere is important at a time when a vocal section of the Resistance is beginning to question the sincerity of Maurice Schumann's diatribes against major economic collaborators, which were a greatly appreciated item of the B.B.C.'s programme for two years, and were widely interpreted in France as a pronouncement of the Provisional Government's policy. The process of auditing accounts and collecting commercial and industrial evidence is necessarily protracted, but since the local committees set up to confiscate illicit profits have already tried more than 5,000 cases and confiscated a milliard of francs, there is no very obvious reason why some of the major figures who financed the treason of men like Darnand, Brasillach, Suarez and Stephan Lauzanne, should not already have been brought to court. This situation gives the Communists a heaven-sent opportunity for propaganda of which they make the most on every occasion. They have always made a point of demanding the confiscation of businesses of economic collaborators, a programme which enables them to evade the awkward issue of compensation for nationalised enterprises, and they have recently tabled a motion in the Assembly calling for the trial of the directors of four big banks, the Credit Lyonnais, the Comptoir National

/d'Escompte...

d'Escompte, the Société Générale and the Banque Nationale pour le Commerce et l'Industrie on charges of intelligence with the enemy. The motion has not yet been discussed by the Assembly and the Government have doubtless no intention of acting on it. But it certainly does seem important that they should press on with the punishment of wealthy economic collaborators if they are to avoid the charge of choosing a few prominent journalists and officials as scapegoats, in order that the mass of well-to-do collaborators shall escape scot-free.

9. On the other side there is the body of opinion which considers that the Government's purge policy is far too severe and which would like to put a quick end to the whole business of the Purge trials, apart perhaps from the punishment of a few outstanding figures. Many of the exponents of this view are doubtless self-interested. Of its honest advocates, by far the most effective is François Mauriac, whose articles eloquently express the horror which he feels at the idea of the punishment of upwards of two hundred thousand Frenchmen for their record under the occupation. The criticism from the Right of the Government's purge policy has recently been powerfully reinforced by an important memorandum submitted to the Government on behalf of the Council of the Paris Bar, by its "bâtonnier", Me. Charpentier, who defended Monsieur Paul Reynaud at Riom and was a member of the Comité Général d'Etudes, the small body in which Monsieur de Menthon, Monsieur Teitgen and other leading intellectuals in the Resistance met and worked out the basis of much of the legislation enacted at Algiers and since the Liberation. The Council, after recalling that the Government promised the complete re-establishment of republican liberties, declares that this is far from being achieved, and calls for a number of changes in the present judicial system. They ask in particular that in the Courts of Justice the defence shall have the right to object to members of the jury, that the control of the Court of Cassation over all special courts shall be re-established, that administrative internment shall only be imposed after a full examination of the charges before a Commission which will ensure the rights of the defence, and that these rights shall also be restored in proceedings before the Committees for the confiscation of illegal profits. This memorandum, which actually applies to the Purge courts the term "juridictions d'exception" normally used of the hated special courts set-up under Vichy, has been warmly welcomed in the Radical-Socialist and Right press. But the Government, being under fire from the Left for slowing up the Purge trials by insisting on too much judicial paraphernalia, is unlikely to make many concessions to this point of view. Between opinions so divided it is doubtless wise to pursue a middle course, at the price of satisfying neither side.

2525/255/17

10. While all are agreed that the Purge is too slow, it seems on the whole probable that more people consider that it is too mild than that it is too vindictive. As reported in my despatch No.11, the most sinister result of public dissatisfaction is the frequency of lynchings, which continued to take place during the early weeks of the year, mostly in the south. (The Courts in the south seem to have been more severe than in the north, and a correspondingly large number of their death sentences have been commuted). There were lynchings at Annecy, Annemasse, Roanne, Rodez, Beziers, Bourg and two particularly bad cases at Gap, where twelve people were involved. In this connection it is of interest that Monsieur André Philip said in the Assembly some time ago that one lasting legacy of the demarcation line was that there was now far less respect for authority in the south than in the north of France. In the occupied zone the administration, being brought immediately in contact with the Germans, had on the whole resisted so far as it could and had thus kept the respect of the population. In the south,

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(4)

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11. The conviction and sentence to terms of imprisonment of three F.F.I. officers involved in the grave incidents at Maubeuge last October, which were hushed up at the time, has assumed considerable political importance. As the result of violent demonstrations against a number of prominent collaborators imprisoned at Maubeuge, five of the leading figures were tried and sentenced to death at a summary midnight court-martial. Two were reprieved by General de Gaulle, but were shot in the prison on the orders of the F.F.I. officer in command at Maubeuge, who, under the name of "Prosper", had been the leading figure in the Resistance of the district. In the Assembly debate on the Ministry of Justice, Father Philippe, a priest who represents the Front National, speaking amid loud applause on behalf of his movement, demanded the revision of the sentences, on the ground that if Prosper had not acted as he did, the mob, infuriated by the reprieve of two hated collaborators, would have stormed the prison and lynched all the other prisoners, many of whom were minor offenders. General de Gaulle is however not the man to yield to pressure of this kind and it is believed that the agitation on behalf of these officers has only made him abandon, at least for the present, his intention of pardoning them after a decent interval.

12. It should not be forgotten that the Purge trials impose a very special burden on General de Gaulle himself, since, as Acting Head of the State, he holds the right of pardon and reprieve. As a devout Catholic he takes this responsibility very seriously indeed. He devotes two evenings a week to considering appeals for mercy and goes meticulously into each case, often interviewing the Counsel for the defence and working far into the night. He permits no discussion of the decisions which his conscience dictates. Speaking in the debate after the General's speech on the Government's internal policy on the 2nd March, Monsieur Daniel Mayer criticised the use made of the power of reprieve and, in particular the reprieve of Béraud. General de Gaulle interrupted him and, speaking with much dignity, said that he could not enter into any discussion on this subject, which Monsieur Mayer had the good sense to drop at once.

13. It is therefore easy to understand that General de Gaulle should have wished to set a term to the more serious Purge trials by announcing on the 23rd January that those in which proceedings had already begun and in which the prosecution would ask for a death sentence, must be complete by the 1st May. The National Council of Resistance, fearing that some sort of amnesty for collaborators was contemplated, sent a delegation to the Minister of Justice, who assured them that the decision would in no way protect those who had gone to earth to avoid arrest or who had taken refuge from justice in Germany. It remains to be seen whether the Government will be able to stand by this date. While the number of death sentences remains high, it is now falling, as would be expected, in proportion to the total number of trials held. The Government has evidently maintained the decision, announced at the same time, to complete the Purge of civil servants by the 15th February for the Central Administration, and the 15th March for the Provincial Administrative

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services. Figures have been published for a number of Ministries. In the Ministry of Information 372 out of a total of 500 officials incurred varying penalties, and in the Ministry of the Interior 77 out of 231 higher officials were removed. One eighth of the members of the French Magistrature have been removed or suspended, and one-quarter of the members and higher staff of the Conseil d'Etat. It is clear from these figures that the administrative purge has not been a pure formality.

14. It should indeed be a happy day for France when the Government can announce that the Purge trials too are completed. Yet in spite of all the dissatisfaction about the Purge, it is difficult to see how the Government could have adopted any radically different policy. Some critics say that there should have been a large number of quick trials of the major offenders right at the start (as for instance in the case of Admiral Platon who was tried and condemned by a summary self-constituted court in a maquis) and then a general amnesty. But there would certainly have been a great outcry against such illegal methods. To those who say that they are too severe on the small fry, the Government can answer that the great majority of these people are real traitors, Gestapo spies, delators and so on, very many of them directly responsible for the death, torture or imprisonment of Frenchmen. There may be more force in the objection that the severe penalty of "national degradation" is too much to inflict on 100,000 or more members of collaborationist groups. Yet can the new French democracy safely allow the very considerable number of convinced Fascists to keep their political rights? The sufferings of the occupation period have left so much bitterness behind that if the Government had not been severe in punishing collaboration, there would certainly have been serious trouble. As it is there have been far too many lynchings of reprieved collaborators. The worst feature of the Government's record is the failure to punish economic collaborators. But even in this case the Government has the genuine excuse that it is the economic collaborator whose real guilt is most difficult to prove, since he can so often argue that by working or pretending to work for the enemy, he was saving his workpeople or his plant from removal to Germany. In all the circumstances one is forced to the conclusion that the right course for the Government is to go ahead as vigorously as possible on the lines it has set itself, in the hope that within a reasonable time passions will have cooled sufficiently to make possible an amnesty on a very large scale.

I am sending copies of this despatch to His Majesty's Consular Officers at Lyons, Marseilles, Nice and Bordeaux.

I have etc ~~the honour to be, with great truth and respect,~~

~~Sir,~~

~~Your most obedient, humble servant,~~

Duff Cooper

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BRITISH EMBASSY,

PARIS.

69/34/45.
No. 338.

22nd March 1945.

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With reference to my despatch No.11 of the 4th January, I have the honour to report that in his first speech in the debate reported in my Saving telegram No. 109 of the 23rd February, a copy of the full record of which is enclosed, the Minister of Justice gave some interesting figures on the progress of the Purge. He said that at the time of the Liberation there were roughly 100,000 individuals under arrest throughout France for collaboration. Some 15,000, including of course most of the worst offenders, had taken flight to Germany. There were about 100,000 more whose names figured, rightly or wrongly, on the lists of the so-called "anti-national Groups", membership of which itself involves national indignity. In addition there were of course many thousands of others who were suspect, however unjustly.

2. Monsieur de Menthon recalled that already before the Liberation the Government had decided to base the punishment of traitors on three principles:

(a) If the prosecution asked for sentences of imprisonment or death, the charges would be based on the law as it stood on June 16th 1940, in fact on Article 75 and the immediately following articles of the Penal Code.

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Three special types of court would be set up, the High Court (modelled to some extent on the Senate High Court of the Third Republic), the "Courts of Justice" and the "Chambres Civiques". Thus everyone accused of collaboration would be given regular trial, with preliminary examination by a professional judge. All the essential rights of the defence would be retained and so would the procedure for appeals in cassation and for mercy.

3. To carry out the above principles and to deal with the vast number of accused, the Government had to set up a huge temporary judicial machine. In the 27 Regional Courts of Justice there were in all 125 separate panels. The Chambres Civiques numbered about a hundred. In Paris there were 17 panels of the Court of Justice and 8 Chambres Civiques, comprising 152 of the 713 professional magistrates (one third of the whole Magistrature) who are now employed in the Courts of Justice. The Minister estimated that the total number of cases to be dealt with by the Courts of Justice was 60,000. On the 1st January, 4,000 had been tried, on the 1st February 6,000 and on the 18th February 7,053. (On the 1st March the total was 8,130) Five hundred and seventy-four death sentences had been pronounced. In addition in the early days of liberation 2,000 persons had been convicted before Courts Martial, making a total of 9,000 individuals tried of whom 1,500 had been condemned to death. Monsieur de Menthon said that the rate at which cases were disposed of would shortly be considerably increased. (This improvement appears to have been achieved. On the 14th March there were 137 convictions, including ten death sentences: on the 16th 124, with nine death sentences). The Minister added that the

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number of cases sent for trial was already falling off and that it could be expected that half of the total number of cases would be tried before the 1st April and virtually all before the 1st August. In many departments the whole business would be completed by the 1st May, which would enable them to transfer judges to the congested Courts. In this way they hoped that the Court of the Department of the Seine, which had to deal with about a quarter of all the cases in France, would have completed its work by the 1st July.

4. Monsieur de Menthon admitted that the situation as regards the Chambres Civiques was less satisfactory. These had so far dealt adequately with the relatively small number of cases sent to them for trial, 3,500 of which had been disposed of by the 1st February. But they would shortly be swamped by the 100,000 cases of those who had belonged to the anti-national groups. It was to meet this congestion that the Government had introduced the summary procedure for withdrawing the right to vote from the accused without trying them fully on the charge of national indignity. Later on the numbers of Chambres Civiques would be increased so that their work should be completed at latest by the 1st September. Monsieur de Menthon had naturally little to say about the High Court, which had not then sat, except to point out that many of those who should be tried before it, were now in flight. In fact only 37 out of 70 accused are under arrest or on bail.

5. In view of the enormous number of cases with which the Government was faced, it may well be considered no mean achievement to liquidate, by means of regular trials the results of four years of German occupation within twelve months of the liberation of Paris. One of the Government's most serious difficulties has been the severe shortage of professional judges, the French Magistrature being now 25% below its proper strength. To staff the Courts of Justice the Government have introduced a wide range of measures in order to make a more economical use of the available judges. The most important of these measures is the institution of a single judge in Courts of First Instance, a change which goes to the roots of the French judicial system and is still a matter of considerable controversy. The Government hope thus to raise the number of judges engaged on the Purge trials to 1,000. This is nearly half the present total membership of the professional Magistrature in France, excluding police court magistrates (Juges de Paix), from which it will easily be seen how very severe is the strain imposed on the French judicial system by the Purge trials. Another serious difficulty is the strain on the prison system. The prisons, already overcrowded, particularly since transportation ceased, are now utterly inadequate. There is also a lack of warders and many who joined the service only to escape going to Germany, have been compelled to remain unwillingly at their posts.

6. But though the dispassionate observer may conclude that the Government have made a very honest attempt to deal with an exceedingly difficult problem, they have certainly failed to satisfy anyone in France. The attitude of the Resistance and the Left was recently well summarised in an article in Combat, a paper which now contains the best reasoned and most authoritative criticisms of the Government. Albert Camus wrote: "It is now too late. Journalists who deserved less will continue to be condemned to death. Recruiting agents who defend themselves ably will be acquitted: and tired of such uncertain justice, the people will continue to intervene from time to time in matters that should not concern it. A certain native good sense will save us from the worst excesses, fatigue and indifference will do the rest..... Yet a country which bungles its purge, is preparing to bungle its reconstruction." The fundamental reason for the dissatisfaction of the Left is the undoubtedly justified belief that Monsieur de Menthon,

/however...

however good his intentions, has shown a serious lack of firmness and drive, with the result that the machinery of the Purge trials took too long to get going and still works too slowly and too uncertainly. The critics maintain that the spirit of Vichy is still far too strong in the Courts and in the Ministry of Justice. It was for instance only in February that the prosecutor at the Riom trials was obliged to retire from his post at the Court of Cassation. A case quoted in the debate as a typical instance of the state of mind which is said to reign among too many judges, was the refusal of the Paris Court of Appeal to quash the conviction of four young members of the Resistance who in 1942 were tried (and subsequently shot) for stealing stocks of food which they distributed to the Resistance. Another cause of complaint is the wide variation in the sentences given by different Courts and even by different panels of the same Court, although, as Monsieur de Menthon pointed out, this is an inevitable consequence of leaving the Courts complete freedom of decision. In this connection the Minister was attacked for penalising the zealous magistrates of the Court at Aix-en-Provence, who at one time had dealt with one-sixth of all the cases tried in France, but who were then transferred to inferior posts.

7. The most serious cause of dissatisfaction is the feeling that the Purge is falling much more heavily on the small fry than on the leaders of collaboration, that some of the worst offenders are still at liberty or are not being tried, that certain others who are known to be in France, such as Prouvost, Carbuccia and Baudouin, are able to evade arrest with suspicious facility, and especially that very little progress is being made with the punishment of economic collaborators. The High Court has at last opened with the trial of Admiral Esteva, on which I have reported separately, and it will presumably now try a series of leading figures of the Vichy regime. It seems likely, however, that the Esteva trial will strengthen the view, which was put forward in the debate, that the right course would have been to have begun with the trial of Pétain himself, even in his absence. There is certainly force in the argument that it is illogical to try senior officers who were acting on Pétain's orders, so long as he himself has not been convicted. At Admiral Esteva's trial the aged Procurator General, Monsieur Monnet, who prosecuted Mata Hair and Bola Pasha, announced that Pétain would be tried in absentia within two months.

8. The worst feature of the Government's record as regards the Purge is certainly its failure to bring to justice a single major economic collaborator. Monsieur de Menthon was able to quote the names of a number of Big Business figures who are under arrest, but although after five months investigation of the "Maquis des Chiffres", 1,200 cases are pending, not one case has been brought to trial. Failure to produce results in this sphere is important at a time when a vocal section of the Resistance is beginning to question the sincerity of Maurice Schumann's diatribes against major economic collaborators, which were a greatly appreciated item of the B.B.C.'s programme for two years, and were widely interpreted in France as a pronouncement of the Provisional Government's policy. The process of auditing accounts and collecting commercial and industrial evidence is necessarily protracted, but since the local committees set up to confiscate illicit profits have already tried more than 5,000 cases and confiscated a milliard of francs, there is no very obvious reason why some of the major figures who financed the treason of men like Darnand, Brasillach, Suares and Stephan Lausanne, should not already have been brought to court. This situation gives the Communists a heaven-sent opportunity for propaganda of which they make the most on every occasion. They have always made a point of demanding the confiscation of businesses of economic collaborators, a programme which enables them to evade the awkward issue of compensation for nationalised enterprises, and they have recently tabled a motion in the Assembly calling for the trial of the directors of four big banks, the Credit Lyonnais, the Comptoir National

/d'Escompte...

d'Escompte, the Société Générale and the Banque Nationale pour le Commerce et l'Industrie on charges of intelligence with the enemy. The motion has not yet been discussed by the Assembly and the Government have doubtless no intention of acting on it. But it certainly does seem important that they should press on with the punishment of wealthy economic collaborators if they are to avoid the charge of choosing a few prominent journalists and officials as scapegoats, in order that the mass of well-to-do collaborators shall escape scot-free.

9. On the other side there is the body of opinion which considers that the Government's purge policy is far too severe and which would like to put a quick end to the whole business of the Purge trials, apart perhaps from the punishment of a few outstanding figures. Many of the exponents of this view are doubtless self-interested. Of its honest advocates, by far the most effective is François Mauriac, whose articles eloquently express the horror which he feels at the idea of the punishment of upwards of two hundred thousand Frenchmen for their record under the occupation. The criticism from the Right of the Government's purge policy has recently been powerfully reinforced by an important memorandum submitted to the Government on behalf of the Council of the Paris Bar, by its "bâtonnier", Me. Charpentier, who defended Monsieur Paul Reynaud at Riom and was a member of the Comité Général d'Etudes, the small body in which Monsieur de Menthon, Monsieur Teitgen and other leading intellectuals in the Resistance met and worked out the basis of much of the legislation enacted at Algiers and since the Liberation. The Council, after recalling that the Government promised the complete re-establishment of republican liberties, declares that this is far from being achieved, and calls for a number of changes in the present judicial system. They ask in particular that in the Courts of Justice the defence shall have the right to object to members of the jury, that the control of the Court of Cassation over all special courts shall be re-established, that administrative internment shall only be imposed after a full examination of the charges before a Commission which will ensure the rights of the defence, and that these rights shall also be restored in proceedings before the Committees for the confiscation of illegal profits. This memorandum, which actually applies to the Purge courts the term "juridictions d'exception" normally used of the hated special courts set up under Vichy, has been warmly welcomed in the Radical-Socialist and Right press. But the Government, being under fire from the Left for slowing up the Purge trials by insisting on too much judicial paraphernalia, is unlikely to make many concessions to this point of view. Between opinions so divided it is doubtless wise to pursue a middle course, at the price of satisfying neither side.

10. While all are agreed that the Purge is too slow, it seems on the whole probable that more people consider that it is too mild than that it is too vindictive. As reported in my despatch No.11, the most sinister result of public dissatisfaction is the frequency of lynchings, which continued to take place during the early weeks of the year, mostly in the south. (The Courts in the south seem to have been more severe than in the north, and a correspondingly large number of their death sentences have been commuted). There were lynchings at Annecy, Annemasse, Roanne, Rodez, Beziers, Bourg and two particularly bad cases at Gap, where twelve people were involved. In this connection it is of interest that Monsieur André Philip said in the Assembly some time ago that one lasting legacy of the demarcation line was that there was now far less respect for authority in the south than in the north of France. In the occupied zone the administration, being brought immediately in contact with the Germans, had on the whole resisted so far as it could and had thus kept the respect of the population. In the south,

/because...

because orders came from French authorities in Vichy by November 1942, officials had acquired the habit of collaboration which persisted under the occupation, so that they were much more identified in the public mind with collaboration than were officials in the north. Most of the lynchings have been carried out by small armed bands, but in the most notable case, which occurred at Dijon on the 15th February, an ex-Commissaire of Police, whose trial had been adjourned sine die in the alleged interests of political deportees in Germany, was dragged by a large crowd from the prison and hanged on a lamppost. It is satisfactory that the press in general now condemns these incidents and that action is now possible against their perpetrators. A gang of some twenty individuals responsible for summary executions in the south was recently arrested. During the last few weeks no further lynchings have been reported.

11. The conviction and sentence to terms of imprisonment of three F.F.I. officers involved in the grave incidents at Maubeuge last October, which were hushed up at the time, has assumed considerable political importance. As the result of violent demonstrations against a number of prominent collaborators imprisoned at Maubeuge, five of the leading figures were tried and sentenced to death at a summary midnight court-martial. Two were reprieved by General de Gaulle, but were shot in the prison on the orders of the F.F.I. officer in command at Maubeuge, who, under the name of "Prosper", had been the leading figure in the Resistance of the district. In the Assembly debate on the Ministry of Justice, Father Philippe, a priest who represents the Front National, speaking amid loud applause on behalf of his movement, demanded the revision of the sentences, on the ground that if Prosper had not acted as he did, the mob, infuriated by the reprieve of two hated collaborators, would have stormed the prison and lynched all the other prisoners, many of whom were minor offenders. General de Gaulle is however not the man to yield to pressure of this kind and it is believed that the agitation on behalf of these officers has only made him abandon, at least for the present, his intention of pardoning them after a decent interval.

12. It should not be forgotten that the Purge trials impose a very special burden on General de Gaulle himself, since, as Acting Head of the State, he holds the right of pardon and reprieve. As a devout Catholic he takes this responsibility very seriously indeed. He devotes two evenings a week to considering appeals for mercy and goes meticulously into each case, often interviewing the Counsel for the defence and working far into the night. He permits no discussion of the decisions which his conscience dictates. Speaking in the debate after the General's speech on the Government's internal policy on the 2nd March, Monsieur Daniel Mayer criticised the use made of the power of reprieve and, in particular the reprieve of Béraud. General de Gaulle interrupted him and, speaking with much dignity, said that he could not enter into any discussion on this subject, which Monsieur Mayer had the good sense to drop at once.

13. It is therefore easy to understand that General de Gaulle should have wished to set a term to the more serious Purge trials by announcing on the 23rd January that those in which proceedings had already begun and in which the prosecution would ask for a death sentence, must be complete by the 1st May. The National Council of Resistance, fearing that some sort of amnesty for collaborators was contemplated, sent a delegation to the Minister of Justice, who assured them that the decision would in no way protect those who had gone to earth to avoid arrest or who had taken refuge from justice in Germany. It remains to be seen whether the Government will be able to stand by this date. While the number of death sentences remains high, it is now falling, as would be expected, in proportion to the total number of trials held. The Government has evidently maintained the decision, announced at the same time, to complete the Purge of civil servants by the 15th February for the Central Administration, and the 15th March for the Provincial Administrative

/services...

services. Figures have been published for a number of Ministries. In the Ministry of Information 372 out of a total of 500 officials incurred varying penalties, and in the Ministry of the Interior 77 out of 231 higher officials were removed. One eighth of the members of the French Magistrature have been removed or suspended, and one-quarter of the members and higher staff of the Conseil d'Etat. It is clear from these figures that the administrative purge has not been a pure formality.

14. It should indeed be a happy day for France when the Government can announce that the Purge trials too are completed. Yet in spite of all the dissatisfaction about the Purge, it is difficult to see how the Government could have adopted any radically different policy. Some critics say that there should have been a large number of quick trials of the major offenders right at the start (as for instance in the case of Admiral Platon who was tried and condemned by a summary self-constituted court in a maquis) and then a general amnesty. But there would certainly have been a great outcry against such illegal methods. To those who say that they are too severe on the small fry, the Government can answer that the great majority of these people are real traitors, Gestapo spies, delators and so on, very many of them directly responsible for the death, torture or imprisonment of Frenchmen. There may be more force in the objection that the severe penalty of "national degradation" is too much to inflict on 100,000 or more members of collaborationist groups. Yet can the new French democracy safely allow the very considerable number of convinced Fascists to keep their political rights? The sufferings of the occupation period have left so much bitterness behind that if the Government had not been severe in punishing collaboration, there would certainly have been serious trouble. As it is there have been far too many lynchings of reprieved collaborators. The worst feature of the Government's record is the failure to punish economic collaborators. But even in this case the Government has the genuine excuse that it is the economic collaborator whose real guilt is most difficult to prove, since he can so often argue that by working or pretending to work for the enemy, he was saving his workpeople or his plant from removal to Germany. In all the circumstances one is forced to the conclusion that the right course for the Government is to go ahead as vigorously as possible on the lines it has set itself, in the hope that within a reasonable time passions will have cooled sufficiently to make possible an amnesty on a very large scale.

I am sending copies of this despatch to His Majesty's Consular Officers at Lyons, Marseilles, Nice and Bordeaux.

I have the honour to be, with great truth and respect,

Sir,

Your most obedient, humble Servant,

(SGD) DUFF COOPER.

22

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1re SESSION ORDINAIRE DE 1945

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6. — Dépôt de rapports.

PRÉSIDENCE DE M. FÉLIX GOUIN

La séance est ouverte à quinze heures.

— 1 —

PROCÈS-VERBAL

M. le président. Le procès-verbal de la séance d'hier a été affiché et distribué.
Il n'y a pas d'observation ?...
Le procès-verbal est adopté.

★

— 2 —

EXCUSE

M. le président. M. Le Brun s'excuse de ne pouvoir assister à la séance de ce jour.

— 3 —

DEPOT DE PROPOSITIONS DE RESOLUTION
(Rappel.)

M. le président. Je rappelle que j'ai reçu, au cours de la précédente séance:

De M. Laboureur, une proposition de résolution tendant à réformer l'organisation du ministère du ravitaillement, renvoyée à la commission de l'agriculture et du ravitaillement;

De M. Jules Moch et plusieurs de ses collègues, une proposition de résolution tendant à créer un office national de l'industrie pharmaceutique, renvoyée à la commission de l'intérieur et de la santé publique;

De M. Dechartre et plusieurs de ses collègues, une proposition de résolution concernant le payement des traitements et des pensions aux familles des déportés, renvoyée à la commission des prisonniers et déportés et des pensions.

L'Assemblée voudra sans doute approuver le renvoi de ces propositions de résolution aux commissions susindiquées. (*Assentiment.*)

— 4 —

BUDGET DES SERVICES CIVILS POUR L'EXERCICE 1945
(Suite de la discussion.)

M. le président. L'ordre du jour appelle la suite de la discussion de l'avis sur le projet d'ordonnance portant fixation du budget des services civils pour l'exercice 1945.

TRAVAUX PUBLICS ET TRANSPORTS (*suite*).
(Services des travaux publics et des transports.)

M. le président. Dans sa séance d'hier, l'Assemblée a commencé l'examen du budget des travaux publics et des transports (services des travaux publics et transports).

Dans la discussion générale, la parole est à M. Noguères.

M. Louis Noguères. Mesdames, Messieurs, le 14 décembre dernier, je me suis inquiété auprès de M. le ministre des travaux publics de la situation du port de Port-Vendres. M. le ministre des travaux publics m'a, alors, donné des apaisements en m'indiquant que ce port serait en état de reprendre son trafic normal à partir de la fin du mois de janvier, car il avait été entendu avec nos alliés que, dès cette époque, son trafic atteindrait 2.000 tonnes par jour.

Nous sommes aujourd'hui au milieu du mois de février et, malheureusement, ce qui avait été annoncé par M. le ministre des travaux publics ne s'est pas réalisé. Le port de Port-Vendres n'est pas encore rendu à un trafic normal; je dirai même qu'il n'est rendu à aucun trafic.

Comment cela a-t-il pu se produire ? Je dois en rechercher l'explication. Je dois, en tout cas, la demander.

Le 9 janvier dernier, a eu lieu à la mairie de Port-Vendres une réunion à laquelle ont assisté tous les chefs de service intéressés: l'ingénieur en chef des ponts et chaussées, un ingénieur en chef de la marine, un officier de marine représentant M. le ministre de la marine, les représentants des ouvriers du port, les représentants de M. le préfet des Pyrénées-Orientales et le président de la chambre de commerce de Perpignan, puisque c'est elle qui administre le port de Port-Vendres.

Au cours de cette réunion, les explications les plus complètes ont été fournies. Il en est résulté que les problèmes posés étaient, en fait, les suivants:

1° Déminage du port; 2° libération de la passe et, par conséquent, renflouement des navires coulés par les Allemands; 3° enfin, remise en état des quais.

En ce qui concerne le déminage, la situation se présentait de la façon suivante: les Allemands avaient, avant leur départ, mis en œuvre tout un dispositif dont les résultats ont été tels qu'il n'est exactement rien resté du port. Tous les quais ont été détruits, ainsi que toutes les installations portuaires, et ceux d'entre vous qui ont connu la belle gare maritime de Port-Vendres ne verraient plus, à l'heure actuelle, sur son emplacement que quelques amas de fers tordus. Ainsi, destruction totale.

Il y avait trente-quatre mines dans le port. Lorsque nous nous sommes réunis, le 9 janvier dernier, il en restait encore treize. Il s'agit de mines extrêmement puissantes, chargées, en général, de 800 kilogrammes d'explosifs et qui, lorsqu'on les a fait sauter, ont amené la destruction des quais qui avaient été remis en état, au moins dans une grande partie.

Ce déminage devait être poursuivi. Qu'ont dit les spécialistes qui se trouvaient sur place ? Ils nous ont rassurés. D'après eux, c'était une question de quelques jours seulement pour enlever les dernières mines; après quoi la navigation eût pu reprendre.

En ce qui concerne la passe deux navires y ont été coulés par les Allemands: la *Française II*, de 1.000 tonnes, et le *Romain*, de 500 tonnes. Ces deux navires obstruent la passe; il s'agissait de les renflouer. A cet effet, au mois de novembre dernier, d'après les explications qui nous ont été données, une commission interministérielle de renflouement avait été constituée. Puis, une installation à terre avait été organisée de telle sorte que l'on pouvait, par les méthodes les plus modernes, prévoir que le renflouement aurait lieu, que les navires coulés seraient remis à flot et, par conséquent, utilisés, ce qui, en fait, était important. Un premier délai de huit jours avait été compté, plus un autre de même durée en cas d'échec et il avait été spécifié que, si l'opération ne réussissait pas, on ferait sauter les épaves. De toute manière, on nous indiquait qu'à la fin du mois de janvier ou en tout cas au début du mois de février, la passe serait libre et que le port pourrait reprendre son trafic.

M. le ministre des travaux publics — et je dois cette indication à notre rapporteur du budget des travaux publics — a répondu, il y a peu de jours, à M. Chaumié qui s'inquiétait à juste titre de savoir où en était la remise en état de nos ports, qu'il fallait envisager un délai de trois mois pour la reprise du trafic à Port-Vendres.

Ainsi, ce n'est pas au mois de janvier que le trafic aurait pu reprendre, comme il était prévu, mais au mois de mai. Je dois dire qu'après toutes les promesses qui lui ont été faites, la population de Port-Vendres manifeste un certain sentiment d'inquiétude; elle ne croit plus aux promesses nouvelles.

Mon intervention — je vais vous le montrer tout à l'heure — présente un intérêt national. Il ne s'agit pas seulement de défendre, ce qui serait légitime, un port auquel je suis personnellement attaché par tant de liens; il ne s'agit pas simplement d'évoquer, ici ce qu'est notre admirable Roussillon. S'il faut l'évoquer et s'il faut dire que la nature a été généreuse envers lui, il faut aussi considérer que ce pays est tout à fait au bout de la France et a besoin d'être ravitaillé par toute la France...

M. Jean Guiter. Très bien!

M. Louis Noguères... car sa production est essentiellement viticole.

Il y a quarante-huit heures je recevais un télégramme de Perpignan m'indiquant que nous n'avions de la farine que pour trois jours. Or, nous devons faire venir notre farine du Loiret. Par conséquent, si nous regardons du côté de la terre il faut qu'on vienne nous aider; si nous regardons du côté de la mer, nous pouvons être aidés d'au delà des mers, nous pouvons aider aussi l'arrière-pays et vous apporter à vous-mêmes ce que vous attendez.

Or le port de Port-Vendres est encore inutilisé et inutilisable. Je viens de vous indiquer ce qu'il en était pour le déminage et pour la passe.

Restent les quais. On avait aménagé une surface de quais suffisante pour recevoir les deux « Liberty » qui avaient été promis par les Alliés. Elle a été démolie lorsqu'on a fait exploser les mines; mais cela ne serait rien, car on pourrait procéder à leur remise en état.

Nous savons, par cette conférence du 9 janvier à laquelle je faisais allusion tout à l'heure, que la main-d'œuvre ne manque pas, pas plus que les matériaux nécessaires; cela nous a été affirmé. Comment, dans ces conditions, est-il possible d'enregistrer de nouveaux retards ?

Au mois de décembre, j'indiquais à M. le ministre des travaux publics que lorsqu'il s'était rendu à Sète il avait causé une grande déception à Port-Vendres en ne visitant pas ce port. Je veux lui demander aujourd'hui, non de se rendre à Port-Vendres, si ses occupations ne le lui permettent pas, mais d'y envoyer un de ses représentants qui ait qualité pour examiner la situation, connaître les conditions dans lesquelles le travail est effectué et savoir pourquoi les travaux qui avaient été annoncés et les promesses qui avaient été faites ne peuvent pas être réalisés.

Il faut comprendre que la population dans cette petite ville ravagée n'a pour ainsi dire plus d'abris; elle n'a d'espérance que dans la reprise du trafic dont elle vit ordinairement et éprouve quelque angoisse à constater qu'on la délaisse ou qu'on l'oublie. Il nous faut nous aider les uns les autres et tenir compte de ce fait qu'il ne s'agit pas simplement d'un port d'intérêt local.

Je me permets d'indiquer à l'Assemblée que, ce matin même, je conduisais à M. le ministre du ravitaillement les délégués d'un autre petit port voisin et combien charmant! Collioure. L'industrie du poisson salé y est poussée à un degré tel qu'une réputation mondiale s'attache à ses produits. Or, depuis trois ans, cette industrie est arrêtée. Les mesures prises par Vichy font qu'il n'y a plus une seule usine qui travaille. L'espérance était revenue; on va pouvoir maintenant, pensait-on, recevoir de l'Afrique du Nord le poisson salé que l'on prépare ensuite à Collioure. Il faut que le port le plus proche, c'est-à-dire Port-Vendres, permette de faire venir ce poisson. C'est, en réalité, quatre millions de kilos de poisson qui seraient ainsi disponibles pour le ravitaillement; mais aussi longtemps que le port de Port-Vendres sera fermé, il sera impossible de remettre en mouvement l'industrie de Collioure; cela représente de quatre à cinq cents femmes en chômage et la

perte que je vous ai indiquée pour le ravitaillement général.

Ainsi ces problèmes qui paraissent n'avoir qu'une apparence locale, en réalité, sont d'un intérêt général puissant, d'un intérêt national, et lorsque, à cette tribune, je fais appel à vous, monsieur le ministre, je voudrais que mon appel fût entendu. Je vous demande que le port de Port-Vendres soit le plus rapidement possible rendu à la circulation et qu'ainsi soit ouvert à nouveau le port le plus rapproché vers l'Afrique du Nord.

J'en ai fini, messieurs, sur ce sujet. Je désire maintenant poser une question directe à M. le ministre. Elle est d'un ordre tel que je lui indique, dès maintenant, que je le dispenserai de me répondre. (*Sourires.*)

C'est le 8 juillet 1940, à Vichy, au cours d'une réunion d'information qui réunissait un très grand nombre de députés que Laval a demandé le vote immédiat du projet présenté par le Gouvernement, en disant d'une façon très précise: « Nous voulons voir la France s'aligner immédiatement sur la constitution allemande et sur la constitution italienne », de telle sorte que ceux qui voudraient aujourd'hui prétendre qu'ils ont été trompés ne l'ont été en réalité que s'ils n'ont pas entendu ou pas compris ou s'ils n'ont pas voulu entendre ou pas voulu comprendre. (*Applaudissements.*)

Après avoir ainsi posé la question, Laval, à sa manière, a abordé le terrain non plus politique, mais pratique. Il a dit aux députés qui l'écoutaient: « Il est bien entendu que le Parlement n'aura plus de place dans l'organisation nouvelle, mais les parlementaires, j'en apporte ici la promesse au nom du Maréchal, continueront à bénéficier des avantages matériels qui sont les leurs, ils toucheront leurs indemnités...

M. Arthur Ramette. C'était l'argument du ventre!

M. Louis Noguères. ...ils garderont, et c'est là que je vous retrouve, monsieur le ministre, leur carte de circulation sur les chemins de fer. (*Rires.*)

Puisque, paraît-il, il est de ces hommes qui, ayant trahi la République, espèrent maintenant obtenir du général de Gaulle qu'il les reçoive, je ne doute pas qu'ils n'aillent jusqu'à vous demander de leur rendre, tenant les promesses des autres, même celles du Maréchal, leur carte de circulation sur les chemins de fer. (*Applaudissements.*)

Alors, vous comprenez pourquoi, je vous ai dit que je n'attends de vous aucune réponse, et vous comprenez aussi pourquoi j'ai posé la question. Il m'est apparu, à moi qui avais entendu Laval comme l'ont entendu certains de nos collègues qui siègent parmi nous et qui, comme moi, ont protesté ce jour-là et, comme moi encore, sont partis en claquant la porte, qu'il m'était impossible de ne pas profiter de ma présence aujourd'hui à cette tribune pour vous dire ouvertement et, par-dessus vous, au pays républicain, que nous n'admettrons pas, que nous ne tolérerons pas les manœuvres de ceux qui, après avoir promis au suffrage universel de défendre la République, l'ont trahie et livrée à la dictature. (*Applaudissements.*) Cela devait être dit, cela est dit et je vous demande, dans une manifestation unanime, de faire savoir au pays ce que vous pensez de ceux-là qui prétendent peut-être avoir un jour l'audace de siéger encore dans les assemblées de la République. (*Nouveaux et vifs applaudissements.*)

M. le président. M. le ministre a été dispensé de répondre par l'orateur, par conséquent, je ne lui donne pas la parole.

M. Vincent Auriol. Pourquoi?

M. Jules Moch. Il demande à répondre.

M. le président. M. le ministre demandera la parole s'il le désire.

La parole est à M. Petit.

M. Eugène Petit. Je veux simplement, au nom de la commission de l'équipement, m'associer à la demande qu'a faite hier notre collègue M. Hamon en ce qui concerne, d'une part, l'affaire du métropolitain et, d'autre part, l'autorisation demandée pour les collectivités de dénoncer, si elles le désirent, les conventions qui les liaient soit avec des administrations de transports, ce qui regarde le ministre des transports, soit, plus généralement, avec d'autres sociétés.

Il y a, à notre avis, quelque chose d'absolument anormal à laisser durer plus longtemps une situation qui peut être arrangée sans bouleverser l'effort de guerre du pays. Nous comprenons bien qu'un certain nombre de solutions apportées à des nationalisations d'industries soient reportées en raison de la guerre, mais nous ne comprenons pas du tout que dans ces organismes municipaux ou départementaux, l'ordre ne soit pas rétabli, le véritable ordre, c'est-à-dire la cessation de la situation de fait existant jusqu'à présent. Nous ne pouvons pas comprendre que des bénéfices soient continuellement versés à des actionnaires pendant que, d'autre part, un effort important est demandé aux contribuables pour combler le déficit. C'est sur cette simple position morale que nous demandons à M. le ministre de s'attacher, de toute son énergie, à faire cesser cet état de choses en autorisant les collectivités locales à dénoncer les conventions qui les lient aux sociétés d'exploitation actuelles. (*Applaudissements.*)

M. le président. La parole est à M. Laboureur.

M. Etienne Laboureur. Mesdames, messieurs, je ne veux pas abuser de vos instants, mais simplement ajouter quelques précisions aux déclarations faites hier soir à cette tribune par M. le ministre des transports.

M. le ministre a indiqué qu'un certain nombre de camions destinés aux transports civils et aux transports du ravitaillement arrivaient actuellement d'Angleterre. Le fait est exact. Nous en avons reçu, depuis deux jours, 120 et d'autres sont actuellement en route.

Je tiens d'abord, au nom de la France tout entière, à remercier l'Angleterre du geste qu'elle vient de faire en accordant, par priorité au représentant du Gouvernement français, la livraison de ces camions ainsi que celle des pneumatiques dont nous avons tant besoin. (*Applaudissements.*)

Je dois dire aussi, car c'est la vérité, que c'est à la suite des conversations engagées dès le mois de novembre dernier par les représentants de la direction des Forces françaises de l'intérieur avant la dissolution de cette direction, que nous avons pu obtenir ces livraisons de l'Angleterre. Au mois de décembre, deux de mes collaborateurs sont allés s'informer de ce qui avait été prévu pour les besoins des populations civiles françaises.

Je dois dire, en effet, qu'il y a actuellement deux sortes de livraisons de camions qui s'additionnent les unes les autres: des livraisons au titre militaire pour les compagnies de transport militaires que nous avons formées dès le mois d'août et qui fonctionnent sous le nom de T. M. A. P. C., — et des livraisons au titre civil, qui sont celles dont nous parlions hier et dont je parle aujourd'hui.

En effet, le problème des transports routiers se présente chez nous sous des aspects très différents. Il y a trois sortes de matériels à envisager: le matériel purement civil, le matériel militaire mis à la disposition des populations civiles et le matériel provenant des Alliés pour être organisé militairement et concourir, avec les deux autres formes de transport, aux transports du ravitaillement et aux transports civils.

C'est pourquoi j'avais demandé, le mois dernier, la création d'un comité interministériel de coordination des transports, qui aurait pour objet non seulement de répartir le matériel disponible, mais encore de recevoir, des divers ministères intéressés, du ministère de la guerre, des départements et des communes, toutes les demandes de transports qui lui seraient envoyées.

Nous constatons, en effet, qu'à l'heure présente, dans aucun ministère, n'existe un tel organisme et que personne, en France, ne sait exactement à qui s'adresser pour effectuer un transport.

J'ai reçu, ce matin, la visite de nos camarades de l'Isère qui m'ont signalé que des livraisons de viande dues à leur département depuis deux mois n'ont pas été effectuées. On a pris prétexte du gel et de la neige.

Il est exact qu'au cours de l'hiver les transports ont été entravés par le gel et la neige. Mais, dès lors que le bétail existe dans certaines régions, que des moyens de transports existent aussi, il doit être possible de donner satisfaction aux populations à court de ravitaillement; à cet effet il faut coordonner logiquement les demandes et les moyens dont on dispose.

J'espère qu'un accord pourra intervenir entre le ministère du ravitaillement et le ministère des travaux publics et des transports en vue de remédier, une fois pour toutes, aux anomalies signalées.

J'ai déjà signalé au mois de novembre à M. le ministre des transports — je ne voudrais lui faire aucune peine en le répétant mais j'y suis cependant obligé — que, dans certains départements, les services du ravitaillement qui demandent à l'ingénieur des ponts et chaussées les moyens de transporter des denrées, éprouvent souvent de grandes difficultés à obtenir satisfaction; il arrive même que les moyens de transport leur sont purement et simplement refusés.

Il est inadmissible qu'on laisse des veaux mourir de faim dans les wagons en cours de transport. Cela s'est pourtant produit ces jours-ci, tandis que nos populations manquent de viande.

De même, lorsque les départements de la Manche et de la Mayenne ont besoin de fourrage, de paille, d'avoine pour nourrir les vaches laitières, dont le rendement en lait diminue assez fortement, on ne peut admettre que de grandes quantités de paille, de foin et d'avoine, dont j'ai déjà signalé l'existence au mois de novembre, soient toujours entreposées dans le département d'Eure-et-Loir.

J'ai dans mon dossier les noms des expéditeurs et des destinataires de ces marchandises. Une rame de wagons circule régulièrement entre Pontorson et Paris. A la suite de ma précédente intervention, M. le ministre des transports a bien voulu me faire connaître qu'il avait affecté 120 wagons à ce trafic. Les wagons circulent, en effet, apportant du ravitaillement de l'Ouest vers Paris mais très souvent retournent à vide, et le foin et la paille sont toujours entreposés en Eure-et-Loir. Or, je signale qu'il y a actuellement dans ce département une compagnie du T. M. A. P. C. disposant de 50 camions, lesquels sont prêts à charger foin et paille, à les transporter à la gare qui sera désignée et à les

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charger sur wagons pour être expédiés dans le département de la Manche.

Je n'insiste pas; je connais tous les détails du problème et les solutions qu'on y peut apporter.

Je ne voudrais pas que ceux de nos camarades qui ont pris la parole à propos de la réquisition ou de la mobilisation des camions pussent croire que j'ai changé d'avis depuis le mois de novembre. Je ne suis pas partisan de la mobilisation complète de tous les moyens de transport, mais je prétends que, dans la mesure du possible, tous les moyens disponibles, quels qu'ils soient, doivent être mis au service du ravitaillement général pour repondre aux besoins de la population française. Il ne s'agit pas d'ergoter sur les mots, il faut trouver des solutions, et les trouver rapidement.

L'Assemblée est certainement d'accord avec moi pour dire que tout ne va pas pour le mieux dans le meilleur des mondes. C'est pourquoi, d'accord avec la commission de l'agriculture et du ravitaillement, nous avons déposé hier sur le bureau de l'Assemblée une proposition de résolution qui tend à la réorganisation complète des services du ministère du ravitaillement et des services extérieurs de ce ministère. (*Vifs applaudissements.*)

M. le président. La parole est à M. Hamon.

M. Léo Hamon. Je renonce à la parole en raison des assurances que j'ai reçues de M. le ministre des finances et de M. le ministre des travaux publics et des transports, à savoir que le relèvement des tarifs du métropolitain ne sera pas décidé sans que, d'une part, les représentants de la Ville de Paris soient appelés à faire connaître leur avis et que, d'autre part, il soit, d'une façon ou d'une autre, tenu compte des charges occasionnées à la ville par l'état de guerre.

M. le président. La parole est à M. Tollet.

M. Tollet. Ayant à donner un avis sur le budget des travaux publics et des transports, l'Assemblée est conduite à examiner le problème du ravitaillement. Personnellement j'aurais quelques observations à présenter sur ce problème, mais il me paraît surtout utile de souligner la nécessité d'une coordination entre le régime des transports et le ravitaillement. Dans l'intérêt du pays il faut mettre fin au jeu qui consiste à se renvoyer la balle de ministère à ministère. Il importe qu'enfin, une fois pour toutes, on sache à qui s'adresser et qui est responsable. (*Très bien! très bien!*)

On a cité de nombreux exemples de difficultés de ravitaillement et de transport, mais quand les ménagères, quand les délégations ouvrières, syndicales ou autres, se présentent auprès des ministères intéressés, les services du ravitaillement répondent invariablement: c'est une question de transports; et dans les services des transports: « Nous donnons ce que nous avons comme wagons et comme camions; lorsqu'on nous en demande deux, nous n'avons pas à en donner trois. »

Le problème me semble donc ainsi situé: il importe, avant tout, de savoir à qui l'on a affaire et qui est responsable. (*Très bien! très bien!*)

Et tout d'abord, d'où vient le mal? A mon sens, et au sens de la délégation du Front national de l'Ile-de-France, ainsi que de la délégation du Front national de l'Assemblée consultative, le mal vient surtout des gens de Vichy qui sont encore en place un peu partout (*Très bien! très bien!*), tant dans les services du ravitaillement que dans ceux des travaux publics et des transports.

Que l'organisation des transports soit mauvaise dans certains cas, cela est indéniable, M. le ministre ne me démentira pas sur ce point. M. Monmousseau en a cité nombre d'exemples hier après-midi. Il y en aurait bien d'autres à signaler. On a parlé de wagons de sucre. On parle, de-ci, de-là, de camions qui partent de Paris à plein et qui reviennent à vide. Bien les choses ne vont pas; trop de camions sont immobilisés. Il est regrettable que l'on ne s'adresse pas, pour les découvrir, aux intéressés eux-mêmes.

A de nombreuses reprises, le comité parisien de libération a communiqué aux ministères des listes de camions. Je me souviens, en particulier, d'une liste de soixante camions immobilisés remise au ministère de la production industrielle; celui-ci n'en a découvert que deux, parce qu'il n'a pas employé la bonne méthode. Envoyer un gendarme, chaussé de ses gros souliers, à la recherche de camions n'est pas le bon moyen. Il faut utiliser plutôt les renseignements fournis par les habitants de la localité, par le personnel des entreprises de transport. Eux seuls sont en mesure de connaître les combinaisons utilisées par les transporteurs mauvais patriotes et dépourvus d'esprit civique qui conservent camions et pneus pour les mettre en service quand le matériel de leurs concurrents sera usé, pratiques évidemment préjudiciables aux intérêts des transporteurs honnêtes et qui exercent normalement leur métier.

Il y a beaucoup à dire sur le problème les transports, mais la première question à éclaircir est celle de l'organisation.

Vichy avait mis sur pied la S.A.T.A.R.; c'était son rôle; représentant des trusts hitlériens, il cherchait à en organiser la réplique en France

Après la S.A.T.A.R., on a connu le C.O.T.R., le S.D.T.R., etc.; mais ces divers organismes n'apportaient aucun changement, et les mêmes hommes restaient en place; seuls changeaient les titres.

Le ministère actuel prétend avoir fait mieux. Effectivement, il a préconisé un meilleur système et nous devons l'en féliciter.

Un nouveau service est en voie d'organisation; à sa tête se trouve un ingénieur des ponts et chaussées, auquel sont adjoints un répartiteur départemental et une commission paritaire consultative, dont nous eussions aimé que le caractère fût un peu moins consultatif. Nous aurions préféré, selon le vœu de la fédération des transporteurs de la C.G.T., une commission qui soit véritablement responsable, au même titre que l'ingénieur en chef des ponts et chaussées. Cette commission aurait une tâche importante. Il n'est pas possible de maintenir l'état de choses actuel. Or, tant qu'il y aura à la tête de ces services des hommes émanés de Vichy, rien ne sera changé. (*Applaudissements.*)

M. Monmousseau. Assez de Vichy!

M. Tollet. Il faut enfin expliquer à l'opinion publique ce qu'était la S.A.T.A.R et ce qu'est le C.O.T.R. A la tête de ces organismes se trouvait un M. Simon qui a tout fait pour entraver l'application de l'ordonnance d'Alger, à propos de laquelle M. René Mayer vient de publier un décret.

M. Simon a, je le répète, tout fait pour contrecarrer ces dispositions en agissant sur tous les services et sections départementaux de la fédération des camionneurs de France. On a fait toutes sortes de pressions et suscité maintes protestations. Or, M. Simon, président de la fédération des camionneurs de France, où il secondait Darnand avant que celui-ci fût nommé au poste que l'on connaît de la milice, M. Simon, après avoir exercé toutes les pressions possibles par le canal de ses organisations, a démissionné. Et l'on n'a rien trouvé de mieux au ministère que de demander à M. Simon son avis sur son remplaçant. Celui-ci est un M. Litalien, président de la chambre syndicale des déménageurs de France. Je ne connais pas M. Litalien, mais je pense qu'un tel parrainage n'est pas pour nous amener à considérer sa candidature sous un jour favorable.

Certes, il serait souhaitable que d'autres personnes fussent mises en place, que l'on nous débarrassât du véritable trust des Calberson et autres, qu'on donnât la parole aux petits transporteurs, au personnel et aux ouvriers des transports, aux honnêtes gens; qu'on donnât la parole à l'ensemble de l'opinion publique, aux intéressés, aux consommateurs et qu'on mît à la tête de ce service un homme qui n'ait pas d'attaches avec les entreprises en cause.

En ce qui concerne les chemins de fer, nous voudrions savoir pourquoi nos camarades cheminots d'Ivry qui, d'accord avec la Société nationale des chemins de fer, avaient composé un train qui devait amener du charbon à Paris, doivent attendre du ministère intéressé l'autorisation de constituer ce train, alors que les wagons sont tout prêts.

On nous dira qu'on manque de locomotives. Mon ami M. Monmousseau a indiqué hier où il y en avait et où on pouvait en trouver. Par conséquent, il est possible d'aménager des transports.

Toutefois, en quelques mots, pour terminer, je voudrais me faire l'interprète d'une délégation des camionneurs de la région parisienne, qui se sont réunis au nombre de 3.500 et qui ont mis quelque peu à mal les tenants de la S. A. T. A. R. et autres trusts.

Cette délégation, qui était désignée pour effectuer un certain nombre de démarches, attend encore l'audience qu'elle a sollicitée de M. le ministre des travaux publics.

Elle a posé, entre autres questions, celle de savoir où sont les responsabilités en ce qui concerne la S. A. T. A. R.

Est-il exact que 300 millions sont encore dus aux transporteurs et qu'un déficit considérable existe à la S. A. T. A. R.? Il serait bon de connaître les causes et les responsables de ce déficit et les efforts qui ont été tentés pour ne pas gêner dans l'exercice de leur activité les petits transporteurs que l'on utilise quotidiennement de préférence à ceux qui sont employés par d'autres services de la S. A. T. A. R. et qui, eux, font du marché noir.

Les petits transporteurs connaissent des difficultés insurmontables. Ils sont dans l'impossibilité de se procurer des pneus ou des pièces pour la réparation des camions, que les services intéressés ne trouvent pas, alors qu'on en trouve au marché noir. Ainsi sont empêchés les efforts qu'ils sont prêts à accomplir pour améliorer la situation des populations urbaines et, en particulier, celle de la population parisienne qui m'intéresse spécialement.

Ils n'ont pas encore reçu le montant de leurs factures. Des sommes de 700.000 à 800.000 fr. leur restent dues pour les transports qu'ils ont effectués.

Cette délégation demande que des recherches sévères soient entreprises depuis la date du dépôt des factures aux chefs de groupe, quant à leur stage dans chaque service intéressé, en particulier Calberson, rue de Lyon, afin que soit déterminé le rôle qu'ont joué, dans ces différentes opérations, les tenants des trusts de transports installés par Vichy.

Si l'on mettait en cause les véritables responsables, qui sont les hommes de Vi-

chy et les hommes mis en place par Vichy, trop souvent encore en place, on pourrait améliorer sérieusement les transports et faire un pas en avant, notamment dans le domaine du ravitaillement.

Je désire poser à M. le ministre des travaux publics une autre question. Les camions éprouvent de grandes difficultés pour arriver à Paris, notamment ceux qui viennent du Nord. Les routes ont été mises à mal par le gel. Or, l'on occupe les cantonniers à boucher les trous avec de la gadoue, au lieu d'y faire mettre du gravier, de telle sorte que les routes demeurent impraticables.

Il en résulte un grave inconvénient même au point de vue militaire, car les camions de l'armée, notamment les gros poids lourds américains, enfoncent jusqu'au moyeu.

Il y a là une incurie intolérable. M. le ministre voudra bien m'indiquer quels moyens il compte employer pour faire réparer les routes de France qui sont dans un état déplorable. J'ai vu ce matin encore un conducteur qui, pour rentrer à Paris, a essayé en vain trois routes et n'a pu revenir sur la capitale que par une quatrième, passant par Albert. Cette situation ne peut pas durer.

J'aborde maintenant la question qu'a déjà soulevée M. Hamon et qui a trait au Métropolitain de Paris. Il y a là une situation qui doit être redressée.

Je ne parlerai pas de M. Le Besnerais, qui a été expulsé de la S. N. C. F. et que l'on veut introduire au Métropolitain.

Les décrets-lois antirépublicains de 1939 ont retiré à la ville de Paris l'exercice du contrôle sur le Métropolitain.

Il serait bon que le Métropolitain fût de nouveau placé sous le contrôle de la ville de Paris et du département de la Seine, c'est-à-dire des collectivités les plus directement intéressées.

Il y aurait beaucoup à dire sur la gestion du Métropolitain. Où en est l'arbitrage qui est en cours, paraît-il, au sujet de l'augmentation des tarifs que la société du Métropolitain octroie à la Société parisienne d'électricité ?

Quant on veut lutter contre les trusts, il faut le faire autrement qu'en paroles, il faut prendre des mesures d'ordre pratique.

Personne n'ignore, dans le pays, que la société du Métropolitain est une filiale du trust Empain. Le Métropolitain achète son courant électrique au prix fort à la Société parisienne d'électricité, qui fait également partie du groupe Empain. Il paye ce courant beaucoup plus cher que la S. N. C. F., alors qu'il en consomme proportionnellement beaucoup plus, dans une région déterminée.

Je souhaite que M. le ministre des transports nous indique les mesures qu'il compte prendre contre la société du Métropolitain, afin qu'on ne se contente pas d'avoir remplacé M. Mariage ou un autre par M. Clodon et qu'on ne continue pas la comédie qui consiste à faire en sorte que la société du Métropolitain puisse encore servir des dividendes et à faire supporter des augmentations de tarifs par les usagers de la région parisienne.

Il importe qu'enfin la régie du Métropolitain soit supprimée.

Il faut en finir avec les trusts, dit-on. Il convient, je le répète, de le faire autrement qu'en paroles. Supprimer les trusts, cela signifie, pour le Métropolitain, déposséder immédiatement la société, indemniser les petits porteurs d'actions, avoir la possibilité de refaire demain une régie, peut-être une régie directe, de reviser les marchés et les contrats.

Il est intolérable que le Métropolitain paye le courant électrique à une filiale du groupe Empain à un prix aussi élevé. Il est intolérable que les bénéfices de la société du Métropolitain demeurent calculés sur les bases actuelles, qui sont: le prix du courant payé au même trust, le nombre des voyageurs transportés, l'incidence des salaires du personnel.

On s'est aperçu que, dans le dernier exercice, une augmentation des salaires du personnel du Métropolitain avait procuré à la société un bénéfice de neuf millions et demi !

Il y a donc là, monsieur le ministre, une situation anormale.

Je le répète encore, car il y a des choses qui doivent être redites très souvent, si l'on veut lutter contre les trusts, il faut le faire autrement qu'en paroles et prendre des mesures énergiques et draconiennes.

Comment prétend-on nous expliquer et expliquer à la population parisienne, aux usagers du Métropolitain, en se basant sur la convention, l'augmentation des tarifs ? C'est une mesure intolérable alors que la société du Métropolitain continue à réaliser des bénéfices, alors que les tenants de la société du Métropolitain ont été simplement mis à l'écart.

Car on ne leur a pas fait beaucoup de mal. M. Paul Martin, qui a été simplement écarté, a lui-même organisé une police pour rechercher les personnes qui lacéraient les affiches antivichyssoises et antiallemandes apposées dans les accès du Métropolitain. Poussant le zèle à l'extrême, il est même allé jusqu'à arrêter un homme qui lacérait une de ces affiches. Que va-t-on lui faire ? On va sans doute continuer à lui payer des dividendes, à le considérer comme un brave homme, comme un honnête homme, puisque c'est un homme de Vichy! Il serait bon de se montrer plus sévère à son égard.

Une autre question, toujours à propos du Métropolitain, appelle quelques explications. On envisage de démolir les ateliers Championnet, dans le dix-huitième arrondissement.

Ces ateliers ont été, pendant toute la durée de la guerre, mis au service des Allemands par le même M. Paul Martin. Il intervenait lui-même auprès des Allemands pour leur faire des propositions; il ne peut pas dire qu'il a été poussé.

Il a rendu florissante la situation industrielle des ateliers Championnet. Depuis, ces ateliers sont presque en chômage. Maintenant, alors qu'ils pourraient travailler à plein, réparer immédiatement près d'une dizaine de moteurs américains par jour, être utilisés pour la guerre, il est question de les démolir et de les transférer je ne sais où.

Ce sont là des méthodes qui ne peuvent pas avoir l'agrément de la population parisienne.

Il faut faire la guerre. Il importe donc d'utiliser tous les moyens mis à notre disposition. Il faut chercher à employer au mieux les ateliers Championnet en vue de la conduite de la guerre et non pas établir de grands plans pour l'avenir et nous dire que, si la situation n'est pas satisfaisante aujourd'hui, elle sera plus favorable dans cinquante ans.

Telles sont les questions que j'avais à poser. J'espère obtenir de M. le ministre des travaux publics des réponses satisfaisantes. (*Applaudissements.*)

M. le président. La parole est à M. le ministre des travaux publics.

M. René Mayer, *ministre des travaux publics et des transports.* Mesdames, messieurs, je vais m'efforcer de répondre aussi brièvement que possible aux orateurs qui ont pris la parole dans la discussion générale de ce budget au cours de la séance d'aujourd'hui.

Je dois d'abord des explications à M. Noguères, qui a entretenu l'Assemblée de la situation du port de Port-Vendres. Je désire préciser, au début de cet exposé, que, comme lui, je considère Port-Vendres comme un port d'intérêt national et non pas d'intérêt local ou régional. Au surplus, à considérer la situation de nos ports maritimes, il n'y en a aucun, quels que soient son état, son outillage, son tirant d'eau, qui ne présente pas un intérêt national, car nous n'aurons pas trop de toutes nos possibilités, bien réduites encore, jusqu'à ce que Bordeaux ait été libéré, pour permettre un minimum d'importations, soit de notre empire, soit d'autres pays au delà des mers.

Il est exact que, lorsque j'ai fait, le 14 décembre dernier, à cette tribune, la revue de nos destructions et énuméré nos projets de reconstitution, j'ai formulé en ce qui concerne tant le déminage du port de Port-Vendres que l'enlèvement des épaves et la reconstruction des quais, des espoirs qui ne se sont pas réalisés.

En réalité, il n'y a pas deux navires coulés dans la passe de Port-Vendres, il y en a quatre; mais je suis d'accord avec M. Noguères pour reconnaître que deux navires surtout gênent la navigation.

De plus, pour que l'Assemblée ait un tableau complet sous les yeux, je lui indique que huit bateaux ont été coulés, non pas dans la passe, mais à l'intérieur des bassins.

En outre, comme M. Noguères l'a dit, les Allemands ont systématiquement détruit les quais, à tel point qu'il a pu justement déclarer qu'il y avait là une des situations les plus graves dans nos ports.

Il y avait aussi de nombreuses mines flottantes et magnétiques qu'il a fallu enlever avant de terminer les opérations de déminage de la passe. Ces opérations de déminage ont été effectuées par les moyens des marines militaires française et alliée. Sur ce point, j'ai déjà expliqué à l'Assemblée, au mois de novembre, que l'ensemble de ces moyens de déminage était mis sous la direction de la marine nationale et de la marine alliée en un pool et qu'on ne pouvait pas faire toutes les opérations à la fois.

En ce qui concerne le renflouement, M. Noguères sait que c'est là une opération très hasardeuse et qu'il est très difficile, nous nous en apercevons, de faire des prédictions exactes sur les résultats que l'on peut obtenir.

Les moyens de renflouement sont également communs à la marine de guerre, à la marine marchande et à la marine alliée. Dans le monde entier — car nous avons fait des recherches sur ce point dans le monde entier — on manque d'habits de scaphandriers qui permettraient d'utiliser assez de main-d'œuvre spécialisée pour toutes ces opérations très longues et très difficiles.

Elles sont d'autant plus difficiles que les Allemands ont apporté, dans la préparation de ces destructions, une malignité particulière, dont je donnerai un aperçu à l'Assemblée en lui disant que, dans les bateaux qui ont été coulés, non pas à Port-Vendres, mais à Bordeaux et dans l'estuaire de la Gironde, il y a des parties énormes d'alternateurs électriques qui se déplacent librement d'un bout de l'entrepont à l'autre et qu'il faut les enlever avant de pouvoir relever le bateau qui, sans cela, s'échouerait une seconde fois, à moins qu'il ne se crève.

M. Robert-Pimienta. C'est du travail boche !

M. le ministre des travaux publics et des transports. Oui, et fait à tête reposée.

En ce qui concerne le port de Port-Vendres, donc, les délais que j'avais fait prévoir ont été dépassés, je le reconnais.

Je pense que, dans le courant de mars, on pourra arriver à naviguer dans la passe de Port-Vendres, non pas avec les plus gros bateaux, mais avec des bateaux d'un certain tonnage.

Je suis obligé de faire toutes réserves sur le procédé consistant à faire exploser l'épave du plus gros des bateaux coulés, car il risquerait de mettre en danger, par les morceaux que l'opération laisserait derrière elle, les navires qui entreraient au port.

En tout cas, je promets à M. Noguères — j'ai dit que je considérais l'affaire comme d'intérêt général — que tout sera fait pour terminer rapidement l'opération dans la passe et pour rétablir l'activité dans le port de Port-Vendres. Je suis aussi pressé que lui de voir ce port apporter de nouveau son concours à nos expéditions d'Afrique du Nord, qui nous sont extrêmement nécessaires, alors surtout que Port-Vendres, comme je l'ai déjà dit à cette Assemblée est, du point de vue du chemin de fer, non pas d'une exploitation facile, mais favorable en ce qui concerne la traction.

J'enverrai donc, comme M. Noguères l'a demandé, quelqu'un à Port-Vendres pour faire le point de la situation et déterminer toutes les mesures qui pourront être prises d'urgence en liaison avec les autorités locales, civiles et maritimes.

M. Louis Noguères. Je vous en remercie, monsieur le ministre.

M. le ministre des travaux publics et des transports. Avant de descendre de la tribune, M. Noguères a traité la question de ce qu'il est convenu d'appeler les facilités de circulation pour les membres de cette Assemblée.

Je ferai observer qu'avant même la réunion de l'Assemblée dans cette salle, le ministre des travaux publics qui est à la tribune a fait concéder à tous les délégués, par la Société nationale des chemins de fer, les mêmes facilités de circulation dont bénéficiaient les membres des anciennes assemblées, à quelques petites modifications près, au point de vue pécuniaire, modifications dues aux malheurs des temps.

Jusqu'à présent, je n'ai été saisi officiellement d'aucune autre demande. J'ai eu l'impression, en écoutant M. Noguères, qui est un parlementaire expérimenté, qu'il avait tiré un peu trop long et que, pardessus le banc du Gouvernement, ses projectiles balayaient une zone dans laquelle ma modeste personne ne se trouve point incluse. (*Applaudissements.*)

M. Louis Noguères. Très bien!

M. le ministre des travaux publics et des transports. M. Laboureur a bien voulu donner à l'Assemblée quelques explications complémentaires sur l'activité déployée par les unités dont il nous a déjà entretenus à plusieurs reprises.

M. Laboureur sait que ce n'est pas le ministre des travaux publics et des transports qui manquera de profiter de toutes les occasions qui se présenteront pour utiliser les ressources extérieures fournies à la France. Le ministre et ses services s'emploieront de toute leur activité dans ce sens.

J'ai déjà rendu hommage à l'activité qui a été déployée dans ce domaine par le colonel Dunat et par le colonel Laboureur.

En ce qui concerne l'importation de camions d'Angleterre je dois dire — M. Laboureur ne m'en voudra pas — que l'arrivée de ces camions est un peu due au fait, que dans le cours du mois de novembre j'en avais moi-même entretenu le ministère de la production britannique, ainsi que le ministère des transports de guerre et que le recensement de ces véhicules a été commencé dès cette époque par Sir Reginald Hill qui est l'un des directeurs du ministère des transports et qui est à l'origine de la constitution du parc que nous allons maintenant pouvoir exploiter.

Le ministre des travaux publics — M. Laboureur le sait — est décidé à soutenir cet effort. Il a pris contact avec le service des « civil affairs » britanniques pour régler la façon dont pourront être employés ces camions. Je demanderai à M. le ministre de la guerre de bien vouloir, par rappel individuel de spécialistes et de chauffeurs, procurer à ces unités le personnel nécessaire au fonctionnement des parcs, des ateliers et des colonnes de camions qui seront répartis comme le Gouvernement l'a décidé et comme je l'ai indiqué hier. (*Applaudissements.*)

M. Laboureur a bien voulu revenir sur un certain nombre d'imperfections — c'est un euphémisme — du transport actuel par route et par fer. Il a insisté sur l'un des points les plus délicats, c'est-à-dire sur la circulation à vide des véhicules. Sur ce point, et bien que je me sois fait une règle de ne pas jouer à la balle avec d'autres services, je dois dire qu'il est impossible à des services de transport d'éviter, si les transports à faire ne leur sont pas notifiés, que des véhicules ne circulent à vide. M. Laboureur l'a d'ailleurs reconnu lui-même.

En tout cas, tous les transports à vide qui peuvent être évités le sont, notamment dans la région parisienne où, au service des transports, un bureau spécial est à la disposition des ministères, ravitaillement ou production industrielle, qui ont des marchandises à faire transporter; ces ministères peuvent toujours y indiquer les marchandises qui sont destinées à être transportées en province. Dans ce sens, on ne devrait pas voir de retours à vide.

MM. Petit, Hamon et Tollet sont revenus sur la question des régies, notamment en ce qui concerne la région parisienne.

M. Tollet a bien voulu faire allusion, d'une manière très précise, aux conséquences qu'aurait la situation présente du métropolitain. Je me suis déjà expliqué hier sur cette question. J'ai dit notamment qu'en vertu des conventions existantes le métropolitain ne fait aucun bénéfice qui soit en relation avec le prix du billet. La question des tarifs du métropolitain ne doit être examinée que du point de vue des finances de l'Etat, de la ville de Paris et du département de la Seine; elle n'a aucune répercussion, de quelque sorte que ce soit, sur les bénéfices du métropolitain.

M. Tollet. Voulez-vous me permettre de vous interrompre ?

M. le ministre des travaux publics et des transports. Volontiers.

M. Tollet. Est-il exact que, malgré le déficit apparent, en vertu des conventions en vigueur, la société du métropolitain continue à percevoir des bénéfices ?

M. le ministre des travaux publics et des transports. Elle fait des bénéfices parce que la formule d'écrêtement qui avait été instituée par les conventions a cessé pratiquement de jouer. Le prix du billet n'est pas en cause.

C'est une des raisons pour lesquelles je suis d'accord avec M. Hamon, M. Tollet et l'Assemblée — je l'ai dit hier — et suis d'accord avec M. le ministre des finances et M. le ministre de l'intérieur pour que cette situation soit revue entièrement. Mais il ne faut pas dire qu'elle est en relation avec les tarifs pratiqués par le métropolitain.

Quant à M. Martin, dont on a parlé à cette tribune, je m'abstiendrai de dire quoi que ce soit, car j'ai le respect des organismes qui ont été institués aux fins d'épuration. M. Martin a été déféré devant une commission régionale d'épuration dont j'attends la décision.

Je suis d'accord avec MM. Petit et Hamon pour que l'ensemble des questions soulevées par la création de régies municipales des transports fasse l'objet d'un examen d'ensemble, examen qui a déjà été entrepris par M. le ministre de l'intérieur.

Il est exact qu'il existe une question morale des régies municipales en matière de transports. M. Petit l'a fort bien dit. Cette question morale est d'ailleurs une question ancienne. C'est la question de savoir si des services publics peuvent continuer à fonctionner sous le régime de la concession quand les autorités concédantes se refusent systématiquement, pour des raisons qui leur appartiennent, à élever les tarifs et, par conséquent, acculent inévitablement au déficit les exploitations intéressées.

Il faut espérer, dans l'intérêt des contribuables, que les régies municipales ne pratiqueront pas dans l'avenir, sur ce point, la même politique qu'ont pratiquée les personnes morales concédantes lorsqu'elles étaient en présence de concessionnaires.

En ce qui concerne le prix des billets du Métropolitain, je tiens, afin d'éviter tout malentendu avec M. Hamon, à préciser les assurances que M. le ministre des finances et moi-même lui avons données: nous avons dit que le Gouvernement examinera — peut-être demain — la question, afin de se faire une opinion sur le niveau auquel devront être fixés les tarifs du Métropolitain, et que le Comité parisien de la libération sera, par l'intermédiaire de M. le préfet de la Seine, avisé des résultats de l'examen du comité économique du Gouvernement. Ainsi, les autorités parisiennes pourront faire entendre leur avis avant qu'une décision définitive soit prise en la matière.

Je dirai, pour terminer, quelques mots des autres questions évoquées par M Tollet.

M. Tollet attribue à la présence de nombreux fonctionnaires de Vichy dans les organisations de transports la déficience actuelle de celles-ci. Mais il a bien voulu immédiatement corriger ce que cette déclaration avait d'un peu général, notamment pour la région parisienne, en reconnaissant que le service des transports y a été complètement réorganisé et qu'il a maintenant à sa tête un homme qui a porté un pseudonyme glorieux dans la Résistance et qui, par conséquent, ne peut pas rentrer dans la catégorie à laquelle il a fait allusion.

Il est à remarquer, d'autre part, qu'au service central de mon ministère, la direction générale des chemins de fer et des transports est aujourd'hui sous les ordres d'un nouveau titulaire, qui ne peut pas davantage être classé dans la catégorie incriminée.

Quant aux principes qui président à la gestion des services départementaux des transports routiers, principes qui ont été posés à Alger et auxquels M. Tollet a bien voulu faire allusion, ils font l'objet de critiques venant tantôt d'un excès, tantôt d'un défaut de libéralisme. Mais j'ai eu la satisfaction de constater, par une note sur l'organisation des transports, note qui m'a été adressée par la fédération nationale des moyens de transports de la

C. G. T., que la fédération ouvrière, contrairement à la position de certains groupements, considère ces principes comme rationnels dans la période actuelle où l'intérêt collectif et national exclut le retour à la liberté. Je prétends, en accord avec la fédération des transports, que le décret du 3 juin 1944 constitue une base solide pour établir une organisation rationnelle.

Cette organisation doit avoir comme base le service départemental des transports, accompagné d'un bureau professionnel. A mon avis, on ne peut donner en cette matière le pouvoir de décision à un bureau et au chef de service. Il faut que le chef de service travaille avec ce bureau et se décharge sur lui d'une partie de la besogne de détail, en restant ainsi en liaison étroite avec les transporteurs et leurs ouvriers. Mais il faut, comme en toutes choses, que la décision appartienne finalement au chef responsable

D'autre part, M. Tollet a fait allusion aux réformes du comité d'organisation des transports routiers. Il a prononcé plusieurs noms, dont celui de l'ancien président dudit comité, que j'ai, en effet, conservé comme commissaire provisoire au moment de la libération, pour une raison très simple: c'est qu'à Alger j'ai vu arriver des hommes, porteurs de renseignements précieux, qui avaient été envoyés au Comité de libération par cette personne que M. Tollet a nommée. Je n'avais donc aucune espèce de raison, de prime abord, de me passer des services de celle-ci; par ailleurs, les commissaires provisoires devaient être choisis dans la profession.

M. Tollet. Vous étiez mal renseigné, monsieur le ministre!

M. le ministre des travaux publics et des transports. Je n'étais pas mal renseigné. J'ai les documents; ils sont, dans les archives, à votre disposition.

A ce moment, je n'avais donc aucune raison de me priver des services de ce commissaire provisoire. Je dois dire — vous l'avez indiqué — qu'il ne l'a pas reconnu et qu'un beau jour, parce qu'il avait été l'objet d'attaques, il m'a envoyé sa démission. Je lui ai répondu que si tous les ministres, tous les commissaires provisoires et tous les fonctionnaires qui sont l'objet d'attaques devaient donner leur démission, il est bien certain qui l'intérêt général y perdrait. (*Applaudissements.*)

Mais j'ai accepté sa démission. Il en est résulté, naturellement, un certain trouble dans l'organisation de ce comité d'organisation, lequel d'ailleurs avait joué dans l'administration de la région parisienne, et notamment de la S.A.T.A.R., un rôle qui n'était pas le sien.

J'ai donc séparé le comité d'organisation du service d'approvisionnement et des transports de la région parisienne, auquel j'ai donné le nouveau titulaire que j'ai nommé tout à l'heure, et j'ai réduit le comité d'organisation à ce qu'il doit être: un organe qu'on ne peut pas encore supprimer parce qu'il est, en fait, chargé depuis longtemps...

M. Arthur Ramette. Depuis longtemps, c'est-à-dire depuis Vichy!

M. le ministre des travaux publics et des transports. ... de besognes de répartition qui font que ces organes départementaux sont encore nécessaires.

Je serai plus heureux que quiconque le jour où la suppression totale des comités d'organisation aura été décidée. Je crois que je suis un de ceux qui en ont le plus supprimé; j'avais supprimé celui de la navigation intérieure à Alger, avant même de rentrer en France. Je serai probablement amené à en supprimer d'autres dans le domaine du tourisme et de l'hôtellerie, y compris celui des débits de boissons qui, je ne sais pourquoi, se trouve rattaché à mon ministère.

M. Arthur Ramette. Il faut les supprimer tous et faire disparaître l'esprit de Vichy.

M. le ministre des travaux publics et des transports. Cette question me dépasse un peu, mais je dois dire qu'on ne me trouvera jamais opposé à de telles suppressions.

Ces comités seront remplacés par des chambres syndicales reconstituées, comme cela se fait en ce moment, en particulier dans la région parisienne, en ce qui concerne les transports routiers. Les transporteurs, petits et grands — et surtout les petits — se sont reconstitués en chambre syndicale; je les ai reçus et les ai trouvés en accord général avec ma politique et en accord aussi avec le nouveau commissaire provisoire du comité d'organisation, qui est un professionnel; car tant qu'il y aura des comités d'organisation, les commissaires provisoires ne pourront être que des professionnels.

Ces transporteurs m'ont signalé qu'on leur devait encore des sommes nombreuses. Je dois dire que la chose est exacte: je ne cesse de demander qu'ils soient payés. Je suis obligé de constater que l'enquête qui a été menée sur le passé, c'est-à-dire sur la S. A. T. A. R., et les nombreuses pièces qu'il y a eu à dépouiller ont occupé de nombreux contrôleurs qui, par ailleurs, je le reconnais, travaillent lentement. Je demande — M. le ministre des finances le sait, mais il n'est pas le seul en cause — que cette besogne soit hâtée et que les fonds de roulement des petits transporteurs soient reconstitués.

M. Tollet. Et en ce qui concerne les responsabilités?

M. le ministre des travaux publics et des transports. Je terminerai ma réponse à M. Tollet en abordant les deux dernières questions qu'il a examinées, la question de répartition du charbon et du blé et celle de l'entretien des routes.

Je voudrais répéter à l'Assemblée — je croyais l'avoir dit, mais je ne me suis certainement pas suffisamment fait comprendre — qu'il ne suffit pas d'avoir des moyens de transport pour aller chercher du charbon et du blé, mais qu'il faut avoir l'autorisation d'aller les chercher. On ne peut pas, je le dis pour mes collègues qui ne sont pas à leur banc et que je défends, imaginer un système de répartition nationale dans lequel les collectivités pourraient envoyer soit des trains de camions, soit des trains de wagons, chercher du charbon ou du blé dans un endroit où il y en a un certain jour, sans compromettre définitivement tout le programme du ravitaillement, c'est-à-dire tout le programme des transports.

En tout cas, ces questions de répartition du charbon et du blé relèvent des ministères responsables et non pas du ministère des transports. Ce n'est pas là un jeu de balle, mais la constatation absolument évidente de la nécessité où nous nous trouvons de vivre dans l'économie dirigée de la répartition.

Quant à l'entretien des routes, je partage les appréhensions de M. Tollet et je les éprouve même depuis plus longtemps que lui.

M. Jacques Duclos. C'est encourageant.

M. le ministre des travaux publics et des transports. J'ai réuni au mois d'octobre les officiers de l'armée américaine chargés des zones de communication. Je leur ai demandé de veiller à ce que ne se reproduisent pas les inconvénients bien connus de l'inobservation des barrières de dégel. Le service des ponts et chaussées a fait le nécessaire. Des inscriptions ont été placées, des consignes ont été données; elles n'ont pas été observées, en certains points, par les convois de l'armée américaine.

M. Arthur Ramette. Les routes sont labourées.

M. Tollet. Mais on prétend réparer les routes avec de la gadoue!

M. le ministre des travaux publics et des transports. Des consignes qui ont été données à la suite d'un accord intervenu entre le commandement allié et mes services. Mais dans tous les pays du monde, les exécutants sont les exécutants...

Quant à la réparation provisoire qu'on peut exécuter dans les circonstances présentes, elle n'est certainement pas brillante. Il faut remettre des matériaux le long des routes. Il faudrait aussi avoir des liants qui ne sont encore arrivés, avec un très grand retard, que dans le Midi de la France, où la situation n'est pas beaucoup meilleure. Nous manquons de goudron, de bitume. La situation est sérieuse. Mais il ne faut rien dramatiser. La France a un réseau de routes extrêmement dense et l'on pourra toujours circuler, car tout ne sera pas abîmé partout. M. Tollet le sait.

Il ne faut pas non plus finir sur une note trop pessimiste et déclarer que, parce que l'hiver a été rude et qu'un certain nombre de barrières de dégel n'ont pas été respectées, la circulation sera impossible en France au printemps. (*Applaudissements.*)

M. Auguste Gillot. A mon avis, on manque surtout d'énergie.

M. le président. Personne ne demande plus la parole dans la discussion générale ?...

La discussion générale du budget des travaux publics et des transports est close.

Nous passons à l'examen des chapitres.

Je donne lecture du chapitre 1er.

TITRE Ier

DÉPENSES ORDINAIRES

4e partie. — Personnel.

« Chap. 1er. — Traitements du ministre et du personnel de l'administration centrale, 16.980.000 fr. » — (*Adopté.*)

Personne ne demande la parole sur le chapitre 1er ?

Je le mets aux voix.

(*Le chapitre 1er, mis aux voix, est adopté.*)

M. le président. « Chap. 2. — Allocations et indemnités diverses du personnel de l'administration centrale, 2.778.000 fr. » — (*Adopté.*)

« Chap. 3. — Fonctionnaires appartenant aux cadres des services extérieurs détachés à l'administration centrale, aux conseils et aux comités. — Traitements, 3.483.000 fr. » — (*Adopté.*)

« Chap. 4. — Ecole nationale des ponts et chaussées. — Traitements et salaires, 2.720.000 fr. » — (*Adopté.*)

« Chap. 5. — Ecole nationale des ponts et chaussées. — Allocations et indemnités diverses, 715.000 fr. » — (*Adopté.*)

M. le président. « Chap 6. — Institut géographique national. — Traitements, 49.634.000 fr. »

M. Ouradou a déposé un amendement tendant à réduire le crédit de ce chapitre de 4.878.211 fr. et à le ramener, en conséquence, à 44.755.789 fr.

La parole est à M. Ouradou.

M. Ouradou. J'ai demandé une réduction de crédit parce que, à l'examen du budget, j'ai constaté des augmentations considérables d'effectifs de personnel qui ne sont pas justifiées.

Ainsi, par exemple, je relève qu'il y a déjà un directeur, 8 inspecteurs géné-

raux, 42 ingénieurs en chef, 69 ingénieurs ordinaires. Or, on veut les renforcer par 5 ingénieurs en chef, 55 ingénieurs à des titres divers et 22 ingénieurs adjoints. Je ne pense pas que le travail soit tel à l'heure présente qu'il puisse justifier une telle augmentation d'effectifs. J'aurais peut-être accepté cette augmentation en 1946, mais je ne pense pas que le service soit tellement surchargé à l'heure présente pour justifier une augmentation de cet ordre.

M. le président. La parole est à M. le rapporteur.

M. Chaumié, *rapporteur.* L'amendement de M. Ouradou, de même que les deux suivants, portent sur l'organisation du service géographique colonial qui était demandé depuis longtemps. Pendant la période d'occupation, le Gouvernement de Vichy, selon une habitude qui lui était chère, avait promulgué sous son nom la loi créant l'institution que ses prédécesseurs avaient préparée et mise au point et fixé le nombre des fonctionnaires qui devaient la faire vivre, mais, comme il n'avait pas de colonies à gérer, il n'en a nommé aucun. En fait, ce service est absolument nécessaire.

Notre Empire est un élément vital de la Nation. La France ne restera un grand pays que si elle demeure liée à son Empire et si elle en développe les ressources. Elle ne peut le faire qu'en poussant très rapidement les travaux cartographiques.

Il a fallu d'abord conquérir, ensuite se faire aimer, enfin mettre à jour et exploiter toutes les ressources et faire face à tous les besoins de notre Empire. Pour cela des cartes détaillées et exactes étaient indispensables, il fallut des spécialistes nombreux et outillés pour exécuter cette tâche. Jusqu'ici des services distincts et extrêmement peu fournis existaient en Indochine, en Afrique occidentale française et à Madagascar. Le reste de nos colonies n'avaient absolument aucun service géographique. Quelques officiers avaient seulement reconnu un canevas sommaire d'itinéraires dont la rigueur géodésique était réduite. Aujourd'hui la nécessité incombe à la France d'établir des cartes exactes et précises de ces vastes étendues de pays.

Il nous a été pénible de constater que l'étude des grands parcours aériens qui traversent nos colonies avait dû, pendant cette guerre, être exécutée par nos alliés.

En Afrique équatoriale française, en ce moment-ci, une mission américaine considérable, pourvue de moyens puissants, établit la carte de toute une région de nos colonies. Nous n'avons auprès d'elle personne pour participer à ses travaux et pour en profiter.

La nomination de ces fonctionnaires et la création de ce service tout entier résultent d'études fort anciennes qu'il faut mettre en œuvre. Nous avons absolument besoin de ce personnel et le seul reproche que je pourrais faire au Gouvernement serait de ne pas l'avoir mis en place dès le 6 juin. La raison en est qu'il doit recevoir une instruction spéciale. Il existe en France une école du service géographique et cartographique. Quelle que soit la science des élèves, dont certains proviennent des écoles les plus réputées, les cours ont une durée de deux ans. Pour les besoins les plus urgents on les a racourcis d'un an, et les premiers des ingénieurs, des officiers désignés pour remplir ces emplois, ne pourront entrer en service qu'au mois de juillet, car il ne leur a pas fallu seulement acquérir l'aptitude scientifique nécessaire, mais encore la pratique du travail spécial qui leur est demandé.

Je demande par conséquent à M. Ouradou de ne pas insister sur la suppression d'un service qui devait exister, que l'on commence à doter d'un outillage technique ultra moderne, qui sera doté d'avions photographiques prévus pour ce genre de travail. Ce service est nécessaire, chaque jour il sera plus nécessaire, parce que, pour exploiter nos colonies, il faut un plan, et que pour établir un plan soit de voies de communications, soit de recherches minières, il faut des cartes détaillées et exactes. Par suite de nos malheurs, nous sommes en retard, il n'y a plus une minute à perdre.

M. le président. La parole est à M. Ouradou.

M. Ouradou. Je retiens l'explication donnée par M. le rapporteur, d'après laquelle il est indispensable que ces agents suivent des cours pendant un an ou deux, ce qui peut justifier l'attribution du crédit, et je retire mon amendement.

M. le président. L'amendement est retiré.

Personne ne demande plus la parole ?

Je mets aux voix le chapitre 6.

(*Le chapitre 6, mis aux voix, est adopté.*)

M. le président. « Chap. 7. — Institut géographique national. — Salaires, 53.931.000 fr. »

M. Ouradou a déposé un amendement tendant à réduire le crédit de ce chapitre de 8.372.760 fr. et à le ramener, en conséquence, à 45.558.240 fr.

La parole est à M. Ouradou.

M. Ouradou. Cet amendement étant le corollaire du premier, je le retire également.

M. le président. L'amendement est retiré.

Je mets aux voix le chapitre 7.

(*Le chapitre 7, mis aux voix, est adopté.*)

M. le président. « Chap. 8. — Institut géographique national. — Allocations et indemnités diverses, 1.454.000 fr. ». — (*Adopté.*)

« Chap. 9. — Ingénieurs des ponts et chaussées. — Traitements et indemnités, 41.427.000 fr. ». — (*Adopté.*)

« Chap. 10. — Ingénieurs et ingénieurs adjoints des travaux publics de l'Etat (service des ponts et chaussées). — Traitements et indemnités, 99.672.000 fr. ». — (*Adopté.*)

« Chap. 11. — Adjoints techniques des ponts et chaussées. — Traitements et indemnités, 45.561.000 fr. » — (*Adopté.*)

M. le président. « Chap. 12. — Agents de bureau et personnel contractuel des ponts et chaussées. — Traitements, salaires et indemnités, 16.226.000 fr. »

Le Gouvernement a demandé, par lettre rectificative, une augmentation de crédit de 94.000 fr. La commission a rejeté ce crédit.

La parole est à M. le ministre des travaux publics.

M. le ministre des travaux publics et des transports. Messieurs, aux chapitres 12 et 13, il s'agit du crédit minimum que, par lettre rectificative, j'avais demandé à la commission des finances de bien vouloir considérer. Car, ainsi que je l'ai indiqué hier, l'impression des développements du budget des travaux publics a précédé la création du service central de la reconstitution des voies de communication.

Pour le personnel d'exécution, les crédits demandés sont respectivement de 94.000 et 180.000 fr. C'est par souci d'exactitude que cette rectification a été faite.

Si la commission des finances ne voulait pas rétablir ce crédit, je serais amené à le demander dans un collectif parce que, je l'ai précisé, vous avez approuvé la création de ce service qui doit, pour fonctionner, avoir un minimum de personnel.

M. le président. La parole est à M. le rapporteur général.

M. André Philip, *rapporteur général.* Nous sommes obligés de prendre certaines positions de principe à propos des lettres rectificatives, parce que nous allons retrouver le même cas dans chaque budget. La commission des finances a pris, pour l'instant, la décision de ne pas accepter d'être saisie, au moment de la discussion en séance publique, de lettres rectificatives et de reprendre l'examen du chapitre sur lequel elles portent. La question doit être présentée par le ministre à la séance de l'Assemblée.

Toutefois, quand il s'agit d'un service nouveau correspondant à un besoin qui n'existait pas ou qui n'avait pas pu être chiffré au moment où le budget a été envoyé à la commission ou bien lorsqu'il s'agit de dépenses inévitables, la commission des finances les accepte. Mais lorsqu'il s'agit de dépenses qui avaient pu être prévues lors du dépôt du budget, la commission des finances demande que les crédits destinés à y faire face soient insérés dans le prochain collectif.

Vous allez voir que nous avons accepté cependant un très grand nombre de vos demandes.

Sur le chapitre en discussion, il s'agit seulement de deux agents contractuels et de trois sténo-dactylographes. Je crois qu'il est possible, sur l'ensemble du personnel du ministère des travaux publics, d'obtenir le détachement, à ce service, des fonctionnaires dont vous avez besoin, jusqu'au moment où vous pourrez, dans le prochain collectif, faire voter le crédit qui vous est nécessaire.

M. le ministre des travaux publics et des transports. Je n'insiste pas.

M. le président. Personne ne demande plus la parole ?...

Je mets aux voix le chapitre 12, au chiffre de 16.226.000 fr.

(*Le chapitre 12, mis aux voix, est adopté.*)

M. le président. « Chap. 13. — Rémunération du personnel auxiliaire, 7.965.000 francs. »

Vous acceptez également, monsieur le ministre, le crédit proposé par la commission des finances ?...

M. le ministre des travaux publics et des transports. Oui, monsieur le président.

M. le président. Je mets aux voix le chapitre 13, avec le chiffre de 7.965.000 fr.

(*Le chapitre 13, mis aux voix, est adopté.*)

M. le président. « Chap. 14. — Officiers de port du service maritime. — Traitements, 6.113.000 fr. ». — (*Adopté.*)

« Chap. 15. — Personnel des ports maritimes de commerce. — Traitements et salaires, 9.000.000 de francs ». — (*Adopté.*)

« Chap. 16. — Personnel des phares et balises. — Traitements et salaires, 15 millions 262.000 fr. ». — (*Adopté.*)

« Chap. 17. — Personnel de la navigation intérieure. — Traitements et salaires, 58.197.000 fr. ». — (*Adopté.*)

« Chap. 18. — Personnel non spécialisé du contrôle des transports. — Traitements et salaires, 3.658.000 fr. ». — (*Adopté.*)

« Chapitre 19. — Personnel spécialisé du contrôle des transports. — Traitements 16.712.000 fr. ». — (*Adopté.*)

M. le président. « Chap. 20. — Organismes centraux de transports. — Dépenses de personnel, 1.544.000 fr. ».

Par voie d'amendement, M. Roger Deniau propose de réduire le crédit de ce chapitre de 200.000 fr. et de le ramener en conséquence à 1.344.000 fr.

M. Roger Deniau propose de réduire le crédit de ce chapitre de 200.000 fr. et de le ramener en conséquence à 1.344.000 fr.

La parole est à M. Deniau.

M. Roger Deniau. J'ai écouté hier, avec beaucoup d'attention, votre réponse, monsieur le ministre, et je dois dire qu'elle ne comporte aucun argument convaincant, aucune justification réelle de votre refus, ni aucune proposition nouvelle. En somme, votre refus repose bien plus sur une opinion personnelle que sur des considérations techniques. Rien ne ressort de votre argumentation, si ce n'est que, personnellement, vous ne croyez pas à la réussite de l'opération. Mais, en contrepartie, vous n'apportez rien de positif ni aucune preuve irréfutable justifiant votre opinion.

Dans votre réponse, vous avez dit à l'Assemblée que vous doutiez qu'elle vous suive dans vos explications. Je serais surpris, en effet, qu'elle vous suive et je m'étonne surtout, une fois de plus, que vous n'acceptiez pas de reconsidérer la question.

Il ne m'est pas agréable, croyez-le, d'être en opposition sur cette question avec le Gouvernement, ou plutôt avec le ministre des transports. Aujourd'hui encore je me permets d'insister d'une façon toute particulière pour que vous acceptiez au moins le principe de notre projet et pour que vous l'examiniez de nouveau.

Vous avez contesté hier certains de mes chiffres. Je m'en excuse auprès de l'Assemblée, mais je dois tout de même lui donner quelques explications.

En effet, monsieur le ministre, vous avez partiellement raison lorsque vous indiquez que le chiffre de 13.000 tonnes excède le tonnage des denrées qui seraient nécessaires chaque jour pour la région parisienne. Cela serait juste si nous prenions pour base le rationnement actuel, car, ainsi calculé, le tonnage des denrées qu'il faut amener chaque jour dans la région parisienne est d'environ 8.000 tonnes.

Nous sommes donc d'accord sur le chiffre de 8.000 tonnes comme tonnage nécessaire seulement pour honorer les tickets. J'ajoute d'ailleurs que nous sommes obligés de constater que ces 8.000 tonnes de denrées, qui constituent un minimum, ne sont même pas amenées quotidiennement dans la région parisienne.

Seconde constatation: ces 8.000 tonnes de denrées ne sont pas suffisantes pour donner à la population parisienne une alimentation normale. Il serait donc nécessaire de compléter ce tonnage par des apports supplémentaires. Or, les denrées nécessaires existent en province et il serait indispensable de les acheminer sur la région parisienne, surtout dans la période présente.

Vous auriez parfaitement raison, monsieur le ministre, si des transports supplémentaires de ce genre ne vous avaient pas été demandés au cours des derniers mois. Mais en fait, en décembre dernier, 120.000 à 150.000 tonnes de pommes de terre, qui étaient disponibles en Bretagne, n'ont pu être amenées dans la région parisienne, faute de wagons.

D'énormes quantités de denrées, de légumes notamment, n'ont pas pu être transportées parce que la S.N.C.F. n'était pas en état de mettre à la disposition du ravitaillement général la quantité de wagons nécessaire à l'acheminement de ces marchandises.

Il ne suffit pas, monsieur le ministre, d'amener seulement sur la région parisienne de quoi honorer les tickets, et il est tout de même incroyable, dans la période présente où des denrées existent en quantités assez abondantes dans certaines régions, que nous n'ayons pas assez de moyens de transport pour améliorer le ravitaillement des centres urbains.

Je ne veux citer que deux exemples, monsieur le ministre: d'abord, cet exemple des pommes de terre qui dans certaines régions de France, sur l'étendue de champs entiers, n'ont pas été arrachées parce que les cultivateurs en avaient assez pour leur consommation et pour l'alimentation du bétail et qu'ils savaient que cette récolte resterait à pourrir dans les granges, faute de moyens de transport.

Le deuxième exemple est celui de la municipalité de Saint-Pol-de-Léon, qui a offert au Comité parisien de libération de mettre à la disposition de la population de notre région cinquante tonnes de choux-fleurs par semaine.

Une délégation s'est rendue auprès de la S.N.C.F. pour demander que des wagons soient mis à notre disposition, afin d'amener ces marchandises sur le marché. Là encore la S.N.C.F. s'est trouvée dans l'obligation de refuser ces wagons, parce qu'elle n'en avait pas suffisamment.

Vous avez dit hier, monsieur le ministre, que les moyens de transport qui vous étaient demandés étaient suffisants pour amener la quantité de marchandises nécessaire à l'alimentation de la région parisienne. Je répète que c'est partiellement exact. Mais, à mon sens, ce qu'il s'agit de transporter, ce sont toutes les marchandises, toutes les denrées qui sont en excédent dans certaines régions et qui doivent, aujourd'hui surtout, venir compléter une alimentation déficiente par suite du manque de viande et de matières grasses dans la région parisienne.

Le problème ne consiste pas seulement à utiliser au mieux les 3.000 camions en état de marche dont vous parliez hier, mais encore à mettre sur la route tout ce qui peut et doit bon gré, mal gré, rouler.

Monsieur le ministre, vous avez en main des textes, vous avez publié des ordonnances, vous disposez de pouvoirs exceptionnels pour réglementer la circulation des camions et pour mettre sur la route tout le tonnage nécessaire au ravitaillement de la région parisienne. Mais on est bien obligé de reconnaître — vous le reconnaissez d'ailleurs vous-mêmes — que le système actuel ne peut pas, et de loin, donner entière satisfaction. En effet, des camions sont dissimulés en nombre assez important et, d'autre part, tout le tonnage qui existe actuellement et se trouve en état de rouler n'est pas utilisé d'une manière rationnelle et complète. C'est là un fait absolument incontestable.

Je suis donc obligé, monsieur le ministre, de maintenir mon désaccord avec vous, en vous demandant une fois de plus, avec, je le répète, beaucoup d'insistance, d'accepter de revoir la question.

Contrairement à ce que vous affirmiez hier, l'opinion publique, croyez-moi, — et c'est peut-être aussi le sentiment de l'Assemblée — n'a pas l'impression et encore moins la preuve que tout ce qui peut et devrait être fait est accompli.

C'est pourquoi j'ai déposé un amendement tendant, à titre indicatif, à réduire de 200.000 fr. le montant du crédit prévu au chapitre 20. L'Assemblée se prononcera, mais j'indique tout de suite qu'il ne faut, bien entendu, voir dans le dépôt de cet amendement et dans la manière dont je le défends aucune hostilité à l'égard du Gouvernement, car la tâche du Gouvernement est la nôtre et sa responsabilité est également la nôtre.

Je vous demande donc une dernière fois, monsieur le ministre, de bien vouloir, en acceptant le principe de ce projet, examiner de nouveau avec nous dans le détail si l'application en est possible dans un délai assez court.

Ensemble, nous essayerons de nous mettre d'accord, avec le seul souci, dans le seul dessein de faire venir sur la région parisienne le tonnage de denrées nécessaire pour améliorer l'alimentation de la population.

Lorsque ensemble nous aurons accompli cette tâche — et je suis tout prêt à vous apporter ma modeste collaboration — je suis sûr non seulement que nous aurons bien travaillé pour la population parisienne, mais encore que nous aurons bien servi le pays et son Gouvernement. (*Applaudissements.*)

M. le président. La parole est à M. le ministre des travaux publics.

M. le ministre des travaux publics et des transports. Messieurs, je l'ai dit hier, je pense que l'Assemblée n'hésite pas un seul instant à penser qu'il y a actuellement un problème des transports qui gêne le ravitaillement. Sur ce point, tout le monde est d'accord et je n'ai jamais dit le contraire.

En ce qui concerne la question spéciale soulevée par M. Deniau, j'ai précisé que le problème qui se pose pour moi est de savoir si le projet qu'il a présenté est de nature, ou non, à améliorer la situation des transports de ravitaillement.

Or, j'ai dit hier les raisons pour lesquelles je pense que ce projet, dans la forme où il est présenté, n'est pas de nature à améliorer cette situation. Sur ce point, je n'ai pas changé d'avis.

Enfin, j'ai indiqué tout à l'heure la manière dont nous agencerons les mesures prises, au fur et à mesure de l'augmentation des disponibilités de notre parc. Je me suis expliqué complètement sur ce point.

C'est pourquoi, tout en demeurant d'accord pour discuter avec M. Deniau et ses collègues, aussi souvent qu'ils le désireront, des questions relatives aux transports d'approvisionnement de la région parisienne, il ne m'est pas possible d'accepter le principe du plan proposé.

Je laisse l'Assemblée libre de manifester son opinion, mais je ne puis, quant à moi, me rallier à l'amendement de M. Deniau. Etant donné le commentaire qui l'accompagne, cela impliquerait, de ma part, l'acceptation du principe qui a présidé à son élaboration.

M. Jules Moch. Je demande la parole.

M. le président. En vertu de l'article 40 du règlement, je ne puis vous donner la parole, monsieur Moch, que si vous désirez défendre une opinion contraire à celle de l'auteur de l'amendement.

M. Jules Moch. Ce n'est pas le cas, monsieur le président, je désirais au contraire plaider sa cause.

M. le président. Dans ces conditions, je regrette infiniment de ne pouvoir vous donner la parole.

Je vais consulter l'Assemblée.

M. Jules Moch. Monsieur le président, je demande la parole pour expliquer mon vote et je dépose une demande de scrutin public.

M. le président. Avant de consulter l'Assemblée je donne la parole à M. Jules Moch, pour expliquer son vote.

M. Jules Moch. Ce débat est grave, car il soulève une question de principe. En effet, le problème posé par M. Deniau est celui de savoir si l'on réquisitionnera le matériel et les hommes ou si l'on persévérera dans les méthodes actuelles.

Quant à nous, nous pensons qu'il y a des ressources énormes dans un pays en guerre si l'on veut bien appliquer inflexiblement la réquisition, aussi bien la réquisition des fortunes que celle des entreprises. (*Très bien!*) Tout à l'heure, à propos des grands travaux, nous montrerons

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que de très nombreuses entreprises sont exclues du bénéfice des adjudications parce qu'elles ont travaillé pour l'ennemi. Ce sont, bien entendu, de petites entreprises qui figurent sur la liste que je possède, et non les grosses, qui ont bien davantage travaillé pour l'ennemi.

Il conviendrait d'ajouter à la loi qui autorise la réquisition des personnels ouvriers un texte permettant de réquisitionner les entreprises elles-mêmes.

Je demande donc à l'Assemblée d'exprimer par son vote son accord de principe sur la réquisition du matériel, telle que la demande M. Deniau. (*Applaudissements.*)

M. le président. Je mets aux voix l'amendement de M. Deniau repoussé par le Gouvernement.

Je suis saisi par M. Jules Moch d'une demande de scrutin portant les vingt signatures réglementaires.

Le scrutin est ouvert.

(*Les votes sont recueillis. MM. les secrétaires en font le dépouillement.*)

M. le président. Voici le résultat du dépouillement du scrutin:

Nombre des votants.....	167
Majorité absolue.....	84
Pour l'adoption.....	151
Contre	16

L'Assemblée consultative provisoire a adopté. (*Applaudissements.*)

Personne ne demande plus la parole sur le chapitre 20 ?...

Je le mets aux voix au chiffre nouveau de 1.344.000 fr.

(*Le chapitre* 20, *ainsi modifié, mis aux voix, est adopté.*)

M. le président. « Chap. 21. — Jetons de présence des administrateurs représentant l'Etat au conseil d'administration de la Société nationale des chemins de fer français, 60.000 fr. » — (*Adopté.*)

« Chap. 22. — Musée permanent des travaux publics. — Dépenses de personnel, 99.000 fr. » — (*Adopté.*)

« Chap. 23. — Traitement des fonctionnaires en congé de longue durée, 900.000 francs. » — (*Adopté.*)

« Chap. 24. — Indemnités de résidence, 34 millions de francs. » — (*Adopté.*)

« Chap. 25. — Supplément familial de traitement, 26.526.000 fr. » — (*Adopté.*)

« Chap. 26. — Indemnités spéciales aux fonctionnaires, agents et ouvriers d'Alsace et de Lorraine, 350.000 fr. » — (*Adopté.*)

« Chap. 27. — Indemnités aux fonctionnaires chargés du contrôle des ports maritimes et des outillages des voies navigables et des ports maritimes, 70.000 fr. » — (*Adopté.*)

« Chap. 28. — Frais spéciaux d'assurance des ouvriers des services des ponts et chaussées en Alsace et en Lorraine, 240.000 francs. » — (*Adopté.*)

« Chap. 29. — Bonifications des pensions de retraite des cantonniers de l'Etat. — Allocations aux vieux travailleurs salariés, aux personnels bénéficiaires de régimes particuliers de retraite, 200.000 fr. » — (*Adopté.*)

M. le président. « Chap. 30. — Cantonniers. — Salaires et indemnités diverses. — Allocations aux veuves et orphelins, 470.749.000 fr. »

La parole est à M. Neumeyer.

M. Pierre Neumeyer. Je voudrais poser une simple question à MM. les ministres des travaux publics et des finances au sujet des salaires des cantonniers et chefs cantonniers qui font l'objet de ce chapitre.

Il était de tradition, quand une amélioration de traitement avait été apportée aux fonctionnaires, d'harmoniser en même temps la situation faite aux cantonniers. Je vous demande de suivre cette tradition.

Vous connaissez particulièrement, monsieur le ministre des travaux publics, ce personnel qui est très apprécié par vos services et qui est plein de dévouement. Il fait ses preuves au cours de cette guerre comme il les a faites dans le passé et comme il les fera encore lorsqu'il s'agira de reconstruire le réseau routier.

Je vous demande donc, conformément à la tradition, d'améliorer leur situation en harmonisant leurs salaires avec la situation faite aux fonctionnaires.

M. le président. La parole est à M. le ministre des travaux publics.

M. le ministre des travaux publics et des transports. Je réponds immédiatement à M. Neumeyer que la situation des cantonniers, qui a été modifiée pour la dernière fois en même temps que celle des fonctionnaires, sera examinée par le ministre des travaux publics avec toute la bienveillance que mérite ce corps de serviteurs de l'Etat, qui accomplit, comme l'a fait observer M. Neumeyer, des travaux pénibles et ingrats.

M. Chaumié, *rapporteur.* Nous ne pouvons que féliciter M. le ministre des travaux publics qui n'a pas attendu que fût prise l'ordonnance du 6 janvier et qui, dès le 7 décembre 1944, a, par arrêté, plus que doublé le salaire des cantonniers.

M. Germinal. Je demande la parole.

M. le président. La parole est à M. Germinal.

M. Germinal. L'observation de M. le rapporteur n'est valable que jusqu'à un certain point.

Je voudrais, à la suite de l'exposé de M. le ministre des travaux publics, dire combien il serait intéressant de se pencher sur la situation des cantonniers et chefs cantonniers. Le temps est loin où le cantonnier se promenait sur la route avec une brouette, une pelle et une pioche. La technique de la route est telle aujourd'hui que les cantonniers sont devenus des ouvriers spécialisés. Il faudrait donc, autant que possible, rapprocher leurs traitements de ceux des agents de même catégorie, par exemple des agents des lignes des postes, télégraphes et téléphones.

Dans son dernier exposé, M. le ministre a parlé de l'état lamentable de nos routes. Il y aura demain un très gros effort à faire pour les remettre en état. Je demande à M. le ministre si on pourra assimiler prochainement les cantonniers et les chefs cantonniers aux agents des lignes et aux conducteurs des postes, télégraphes et téléphones.

M. le président. La parole est à M. le ministre des travaux publics.

M. le ministre des travaux publics et des transports. Il ne m'est pas possible de vous répondre au sujet de cette assimilation qui nécessite d'abord un examen de la situation avec M. le ministre des finances. Mais je puis vous renouveler l'assurance que j'ai donnée à M. Neumeyer en ce qui concerne la bienveillance avec laquelle mon département présentera des propositions susceptibles d'améliorer, de façon urgente, utile et raisonnée, le sort des cantonniers.

M. le président. Personne ne demande plus la parole ?

Je mets aux voix le chapitre 30, au chiffre de 470.749.000 de francs.

(*Le chapitre* 30, *mis aux voix, est adopté.*)

M. le président. « Chap. 31. — Application de la réglementation relative aux fonctionnaires suspendus de leurs fonctions, 1.000.000 de francs. » — (*Adopté.*)

5e partie. — *Matériel et fonctionnement des services.*

« Chap. 32. — Administration centrale. — Remboursement de frais, 908.000 fr. » — (*Adopté.*)

« Chap. 33. — Officiers de port du service maritime. — Remboursement de frais, 663.000 fr. » — (*Adopté.*)

« Chap. 34. — Personnel des ports maritimes de commerce. — Remboursement de frais, 506.000 fr. » — (*Adopté.*)

« Chap. 35. — Personnel des phares et balises. — Remboursement de frais, 955.000 fr. » — (*Adopté.*)

« Chap. 36. — Personnel de la navigation intérieure. — Remboursement de frais, 1.376.000 fr. » — (*Adopté.*)

« Chap. 37. — Personnel du contrôle des transports. — Remboursement de frais, 2.571.000 fr. » — (*Adopté.*)

« Chap. 38. — Institut géographique national. — Remboursement de frais, 15.200.000 fr. » — (*Adopté.*)

« Chap. 39. — Personnel des ponts et chaussées. — Remboursement de frais, 16.711.000 fr. » — (*Adopté.*)

« Chap. 40. — Frais de changement de résidence, 2.000.000 de francs. » — (*Adopté.*)

« Chap. 41. — Frais de représentation aux congrès, 36 000 fr. » — (*Adopté.*)

« Chap. 42. — Matériel de l'administration centrale, des conseils, des comités et des services centraux installés dans les bâtiments du ministère, 3.898.000 fr. » — (*Adopté.*)

« Chap. 43. — Impressions et publications du ministère des travaux publics et des transports, 2.876.000 fr. » — (*Adopté.*)

« Chap. 44. — Payements à l'Imprimerie nationale, 770.000 fr. » — (*Adopté.*)

« Chap. 45. — Indemnités de repliement et de séparation, 9.000.000 de francs. » — (*Adopté.*)

« Chap. 46. — Dépenses de repliement. — Règlement des réquisitions, 500.000 fr. » — (*Adopté.*)

« Chap. 47. — Institut géographique national. — Matériel, 50.000.000 de francs. » — (*Adopté.*)

« Chap. 48. — Services des ponts et chaussées. — Matériel, 13.287.000 fr. » — (*Adopté.*)

« Chap. 49. — Construction, acquisition, aménagement et entretien d'immeubles destinés aux services des ponts et chaussées, 1.000.000 de francs. » — (*Adopté.*)

« Chap. 50. — Services du contrôle des transports. — Matériel, 460.000 fr. » — (*Adopté.*)

« Chap. 51. — Remplacement, réparation et fonctionnement des véhicules automobiles de transport de personnel, 55.200.000 francs. » — (*Adopté.*)

« Chap. 52. — Musée permanent des travaux publics. — Matériel, 581.000 fr. » — (*Adopté.*)

« Chap. 53. — Ecole nationale des ponts et chaussées. — Matériel, 1.230.000 fr. » — (*Adopté.*)

« Chap. 54. — Frais de correspondance télégraphique et téléphonique, 3.931.000 francs. » — (*Adopté.*)

« Chap. 55. — Médailles aux cantonniers et agents inférieurs de l'administration des travaux publics et des transports et aux agents des chemins de fer, 20.000 fr. » — (*Adopté.*)

« Chap. 56. — Organismes centraux de transports. — Matériel, 100.000 fr. » — (*Adopté.*)

« Chap. 57. — Dépenses de fonctionnement des comités techniques départementaux des transports. » — (*Mémoire.*)

6e partie. — Travaux.

M. le président. « Chap. 58. — Routes et ponts. — Entretien et amélioration. — Réparations ordinaires, 1.658.200.000 fr. »

La parole est à M. Paillieux.

M. André Paillieux. Sauf erreur — et si je me trompe, M. le ministre des travaux publics voudra bien réparer cette erreur — je crois que ce chapitre a trait à l'entretien des routes, y compris les routes départementales et les chemins vicinaux. S'il en est bien ainsi, j'ai une communication à faire à l'Assemblée au sujet de la situation des départements qui employaient un certain volume de chômeurs à l'entretien et même à l'établissement de chemins vicinaux.

Jusqu'à la fin de l'année dernière, il existait au budget du ministère des travaux publics un crédit suffisant pour entretenir des équipes de chômeurs qui, dans certaines circonscriptions de ponts et chaussées, ont atteint jusqu'à 4.500 ouvriers au cours de l'exercice 1944. Depuis le mois de janvier, ces crédits sont épuisés et les chômeurs sont soutenus par le fonds national de chômage. Si l'on examine les sommes qu'ils touchent, on s'aperçoit qu'ils perçoivent plus de 50 p. 100 du salaire qu'on leur payerait si on les occupait réellement. Encore certains ajoutent-ils à leur allocation de chômage des allocations de réfugiés.

Il semble donc indiqué de faire un effort budgétaire pour permettre de continuer à occuper cette main-d'œuvre disponible qui pourrait rendre des services intéressants à nos populations rurales qui, dans bien des endroits, sont privées de bons chemins de communication.

Au surplus, ce serait une bonne opération, d'abord au point de vue moral, car il est bien préférable de payer les gens pour travailler que de leur verser des subventions pour ne rien faire; ensuite, du point de vue pratique, puisque jusqu'ici leur travail a donné des résultats très intéressants et pourrait, dans l'avenir, continuer à donner également de très bons résultats. C'est du moins l'avis d'un ingénieur des ponts et chaussées qui m'a signalé avant-hier cette situation.

Je demande donc à M. le ministre des travaux publics de me dire s'il serait possible d'envisager le maintien des crédits nécessaires pour permettre l'emploi de ces chômeurs.

M. le président. La parole est à M. le ministre des travaux publics.

M. le ministre des travaux publics et des transports. Le chapitre 58 ne vise que les routes nationales et ce n'est donc pas sur lui qu'étaient imputées les dépenses des travaux contre le chômage.

Une lettre rectificative, adressée par mes soins et qui n'a pas été retenue, portait ouverture d'un nouveau crédit pour les dépenses à engager, pendant l'année 1945, en ce qui concerne les opérations routières effectuées dans chaque département, pour employer les chômeurs.

J'ai reçu l'assurance de M. le ministre des finances que dans tous les cas où de semblables chantiers pourront être ouverts effectivement, je serai autorisé, avec l'accord du contrôleur des dépenses engagées, à déléguer un crédit aux ingénieurs en chef, la régularisation intervenant ensuite par la voie du collectif. Il est donc inutile d'ouvrir un crédit spécial en présence de ces arrangements qui ont déjà fonctionné depuis la libération.

M. le président. S'il n'y a pas d'autre observation, je mets aux voix le chapitre 58, au chiffre de 1.658.200.000 fr.

(*Le chapitre 58, mis aux voix, est adopté.*)

« Chap. 59. — Voies de navigation intérieure. — Entretien et réparations ordinaires, 150 millions de francs. » — (*Adopté.*)

« Chap. 60. — Travaux d'extension du port de Strasbourg. » — (*Mémoire.*)

« Chap. 61. — Ports maritimes. — Entretiens et réparations ordinaires, 200 millions de francs. » — (*Adopté.*)

« Chap. 62. — Phares, balises et signaux divers. — Entretien et réparations ordinaires, 30 millions de francs. » — (*Adopté.*)

« Chap. 63. — Etudes et travaux de chemins de fer exécutés par l'Etat, 150.000 francs. » — (*Adopté.*)

« Chap. 64. — Etudes et travaux de chemins de fer exécutés par l'Etat sur les fonds avancés par la Société nationale des chemins de fer français, en exécution des conventions. » — (*Mémoire.*)

« Chap. 65. — Etudes et travaux de chemins de fer exécutés par l'Etat sur les fonds avancés par la Société nationale des chemins de fer français pour l'aménagement de la Haute-Dordogne (loi du 31 juillet 1920, art. 133). » — (*Mémoire.*)

« Chap. 66. — Travaux de défense contre les eaux. » — (*Mémoire.*)

M. le président. « Chap. 67. — Subventions pour travaux de défense contre la mer. » — (*Mémoire.*)

Au chapitre 67, par lettre rectificative, le Gouvernement a demandé l'inscription d'un crédit de huit millions.

M. le rapporteur général. La commission des finances accepte ce crédit.

M. le président. Je mets aux voix le chapitre 67 au chiffre nouveau de huit millions.

(*Le chapitre 67 ainsi modifié, mis aux voix, est adopté.*)

7e partie. — Charges sociales.

M. le président. « Chap. 68. — Allocations familiales, 90 millions de francs. » — (*Adopté.*)

« Chap. 69. — Attribution aux personnels auxiliaires des allocations viagères annuelles prévues par l'article premier de la loi du 18 septembre 1940, 100.000 fr. » — (*Adopté.*)

« Chap. 70. — Œuvres sociales, 8.935.000 francs. » — (*Adopté.*)

8e partie. — Subventions.

« Chap. 71. — Frais d'examens de capacité pour la conduite des automobiles, 1.999.000 fr. » — (*Adopté.*)

« Chap. 72. — Amélioration de la sécurité routière, 180.000 fr. » — (*Adopté.*)

M. le président. « Chap. 73. — Contribution au développement du tourisme, du thermalisme et du climatisme. — Aménagement des centres de moyen et de petit tourisme, 39.200.000 fr. »

La parole est à M. Poimbœuf.

M. Marcel Poimbœuf. Dans la colonne « observations », figure l'indication d'une subvention de cinq millions prévue pour l'association « Tourisme et Travail ».

D'après les informations que j'ai reçues, cette association avait demandé un crédit de cinquante millions. La réduction, on le voit, est d'importance puisque la somme allouée par les prévisions budgétaires est de l'ordre du dixième de la demande. J'avoue que j'ai eu, sur le moment, un retour vers un passé déjà lointain où, sur la place publique, de la manière la plus habituelle, étaient offerts aux chalands que nous étions des tapis et des bretelles et où, moyennant des discussions plus ou moins interminables, plus ou moins bourrées d'arguments intelligents, on arrivait à obtenir une réduction de ce genre. Mais cela jouait en sens inverse quant à la logique.

Ici, il s'agit d'une organisation qui doit retenir d'une manière toute particulière l'attention des pouvoirs publics et évidemment l'attention de l'Assemblée, puisqu'aussi bien c'est à celle-ci qu'il appartient d'alerter, en la matière, les Pouvoirs publics. Je me permets de lui demander de réfléchir quelques instants à ce sujet. Dans un débat récent, j'avait l'honneur de demander, et j'ai eu l'impression d'avoir l'assentiment de mes collègues, qu'à l'avenir, lorsqu'il s'agirait de dépenses destinées à rehausser le niveau intellectuel et moral des travailleurs et destinées aussi à leur assurer un standard de vie plus conforme à la dignité humaine, on ne nous oppose pas la non-rentabilité des dépenses.

J'ai quelque peu l'impression que la réduction a été opérée par les services du ministère parce que l'on a dû concevoir, d'une manière plus ou moins opportune, que cette dépense n'était pas rentable au sens ancien et restrictif du terme et qu'il convenait, en conséquence, que l'on accordât seulement à l'association demanderesse le dixième de ce qu'elle avait suggéré.

Or je tiens à faire remarquer qu'il s'agit de la mise en œuvre d'une très grande idée, celle que les loisirs des travailleurs soient utilisés au mieux, non seulement pour une détente et une distraction légitimes, mais encore pour un relèvement de leurs capacités intellectuelles et artistiques, pour un exhaussement de leur culture.

L'association « Tourisme et Travail » présente, en outre, cet avantage incontestable que les travailleurs, par l'intermédiaire des associations syndicales, agissent directement quant à l'impulsion et au contrôle de ses services. Je souligne que les deux grandes centrales ouvrières, leurs représentants qualifiés et mandatés par l'une et par l'autre dans une entente parfaite, réalisent le contrôle et l'impulsion. Il y a donc toutes sortes de raisons pour qu'une Assemblée comme la nôtre, dans les temps où nous sommes, soit favorable au vote d'un crédit suffisant.

Le crédit de cinq millions de francs est évidemment dérisoire, eu égard à l'ampleur de l'activité de l'association, qui s'étend dans le cadre national.

L'année prochaine, lorsque cette Assemblée, ou une autre, aura à connaître du budget, il appartiendra à l'association en cause de témoigner qu'elle a mérité la confiance que l'on a mise en elle.

Pour aujourd'hui, il s'agit de lui donner les moyens de mériter cette confiance. C'est pourquoi je demande à l'Assemblée d'insister auprès du Gouvernement afin qu'un crédit moins dérisoire lui soit accordé et qu'ainsi elle puisse rendre les services que, normalement, on peut attendre d'elle. (*Applaudissements.*)

M. le président. La parole est à M. le rapporteur.

M. Chaumié, *rapporteur.* Votre commission des finances a une particulière sympathie pour les idées que vient d'exprimer M. Poimbœuf. Nous savons ce qu'est l'association « Tourisme et travail ». Nous savons également quelle œuvre morale considérable elle a entreprise et de quelle façon exceptionnelle elle a réussi dans la voie de la réconciliation nationale.

En effet, cette association a uni dans un même organisme des hommes, jeunes ou vieux, qui venaient de tous les points de

l'horizon politique et dont le but commun était d'élever à la fois la valeur morale et la valeur physique de la nation.

Si, m'a-t-on dit, le Gouvernement a écarté en partie la demande de crédits présentée par la société « Tourisme et travail », c'est parce que ces crédits devaient s'appliquer à la fois à des dépenses d'organisation et à des dépenses de construction. Au premier moment, quelle que soit la qualité du but poursuivi par cette association, M. Poimbœuf a tort de dire que ce sont des soucis de rentabilité qui ont entraîné la réduction des demandes proposées.

On ne saurait parler de rentabilité quand interviennent des valeurs morales; il y a là des éléments qui ne se pèsent pas, qui ne se comptent pas et qui représentent bien davantage que les chiffres mis en présence.

Ce dont il s'agissait, messieurs, c'était de savoir si, au moment où nous manquons de matériaux, de ciment, de tuiles, on allait reconstruire des maisons pour améliorer l'emploi des loisirs alors qu'il n'y a pas de toits pour des malheureux qui ne possèdent plus rien. Cela ne veut pas dire que nous ne souhaitions pouvoir, le plus rapidement possible et le moment venu, édifier ces installations. Dans le crédit de cinquante millions qui avait été non seulement demandé mais encore appuyé par le ministère compétent et transmis au ministère des finances on ne prévoyait pas seulement le béton, les tuiles et le bois mais également une organisation préalable, c'est-à-dire la désignation de personnes susceptibles, dès maintenant, de travailler et de préparer ce meilleur avenir nécessaire dont vient de parler M. Poimbœuf. Si le Gouvernement, soit par un collectif, soit autrement, peut faire tout de suite un effort pour permettre à cet organisme de préparer beaucoup mieux l'épanouissement que nous souhaitons et attendons dans le délai le plus bref, la commission des finances lui donnera tout son appui.

M. le rapporteur général. La commission accepte donc la réduction indicative de 1.000 fr. pour permettre au Gouvernement de revoir les crédits et d'accorder une somme beaucoup plus importante que celle prévue.

M. le président. Je ne suis saisi d'aucun amendement.

M. Charles Laurent, *président de la commission.* Si, monsieur le président. MM. Guy de Boysson et René Thuillier ont déposé un amendement en ce sens.

M. le président. Nous n'y sommes pas encore. Il y a, sur ce chapitre, deux amendements; celui de MM. Guy de Boysson et Thuillier est le deuxième.

M. le président de la commission. Cet amendement est lié à l'autre.

M. le président. Il y a deux amendements sur le chapitre 73. J'appelle le premier par ordre d'antériorité, celui de M. Ouradou. Il tend à réduire le crédit du chapitre de 10 millions et à le ramener en conséquence à 29.200.000 fr.

La parole est à M. Ouradou.

M. Ouradou. Je demande de réduire de 10 millions le crédit prévu pour subventions aux comités régionaux du tourisme parce que je considère que ces comités n'ont rien à faire pour l'instant.

Si je suis d'accord avec M. Poimbœuf pour demander le relèvement du crédit accordé à la société « Tourisme et Travail », je suis, par contre, opposé à l'octroi de crédits aussi importants à des organismes qui n'ont pas leur justification à l'heure présente, en tout cas qui n'ont pas et ne peuvent pas avoir d'activité.

M. le président. La parole est à M. le rapporteur.

M. Chaumié, *rapporteur.* Ces organismes n'ont peut-être pas d'activité aujourd'hui, mais ils existent et il faut qu'ils continuent à vivre. Nous sommes un pays dans lequel bientôt, je l'espère — car nous escomptons tous la défaite prochaine de l'Allemagne — une des ressources importantes de M. le ministre des finances sera précisément le tourisme étranger. Est-il nécessaire de désorganiser actuellement tous les services qui existent et d'en disperser les éléments ?

M. Jules Moch. On peut tout de même réduire le crédit à titre indicatif.

M. Chaumié, *rapporteur.* On peut tout de même réduire les crédits à titre indicatif, mais il faut que rien ne soit détruit.

M. le président. La commission repousse-t-elle l'amendement ?

M. Jules Moch. Non! monsieur le président. Elle accepte une réduction de principe.

M. le président. La parole est à M. le ministre des travaux publics.

M. le ministre des travaux publics et des transports. Messieurs, j'avais cru comprendre que la commission n'acceptait pas l'amendement. Quant à moi, je dois dire que les crédits qui avaient été demandés par le service du tourisme étaient infiniment plus élevés que ceux auxquels je me suis moi-même arrêté et qui figurent dans le projet accepté par la commission.

Je ne sais s'il est opportun, avec des crédits aussi réduits, de m'obliger à suspendre le fonctionnement de syndicats d'initiative locaux, d'associations touristiques locales et de comités régionaux de tourisme, que certains commissaires de la République ont d'ailleurs complètement transformés, modernisés ou même recréés.

Je demande donc à l'Assemblée, comme le demande M. le rapporteur de la commission des finances, de maintenir le crédit, très réduit pour cette année, prévu pour le fonctionnement des services de tourisme.

M. Marcel Poimbœuf. Je partage l'avis de M. le ministre sur la question.

M. le président. Il s'agit là du second amendement. Nous en sommes encore à l'amendement de M. Ouradou.

Moniseur Ouradou, maintenez-vous votre amendement ?

M. Ouradou. M. le ministre fait observer qu'il s'agit d'un crédit très réduit. Certes, mais ce crédit, qui était de 12.240.000 fr. en 1944, a été porté à 39 millions. Il faudrait justifier cette différence.

M. le rapporteur général. Sur ce crédit, une somme de 10 millions est prévue pour le bureau d'accueil aux armées alliées. Il s'agit par conséquent d'une dépense parfaitement justifiée dans les circonstances présentes.

Si vous voulez indiquer qu'il faut faire des économies sur l'ensemble des services régionaux et locaux du tourisme, la commission peut accepter une réduction indicative, mais celle-ci devrait être beaucoup plus modérée que le chiffre que vous avez fixé.

M. le président de la commission. La réduction pourrait être de 800.000 fr. à titre indicatif.

M. le président. M. Ouradon, acceptez-vous que la réduction indicative que vous avez proposée soit ramenée à 800.000 fr.?

M. Ouradou. Bien qu'elle ne me donne pas entière satisfaction, je l'accepte, monsieur le président.

M. le président. Je mets aux voix l'amendement de M. Ouradou ainsi modifié.

(*L'amendement est adopté.*)

M. le président. Par voie d'amendement, MM. Guy de Boysson et René Thuillier proposent de réduire de 1.000 fr. le chapitre 73 et de le ramener en conséquence à 39.199.000 fr.

La parole est à M. de Boysson.

M. Guy de Boysson. Mon collègue, M. Thuillier et moi, nous proposons sur le crédit de ce chapitre, une réduction indicative de 1.000 fr. parce que c'est le seul moyen pour cette Assemblée d'obtenir une augmentation de crédits. Il nous semble d'ailleurs que les services des finances avaient fait preuve d'une excessive sévérité en ce qui concerne les crédits accordés au tourisme populaire.

M. Poimbœuf, au demeurant, a fort bien montré le caractère dangereux de l'argument de rentabilité invoqué, alors que, d'autres fois, des crédits sont accordés qui permettent aux divers ministères d'entretenir des états-majors pléthoriques. Je reconnais d'ailleurs que le ministère des travaux publics est le seul qui n'ait pas augmenté les effectifs de son état-major.

M. René Pleven, *ministre des finances.* Avec le ministère des finances.

M. Guy de Boysson. Il peut paraître actuellement anachronique de demander une augmentation des crédits du chapitre relatif au tourisme populaire. Mais il s'agit ici de l'organisation du repos des travailleurs, repos physique et moral utile au moment où un énorme effort est demandé à la main-d'œuvre. Or, le repos des travailleurs conditionne au premier chef le rendement du travail.

Il ne faut pas oublier non plus que des pays en guerre, comme l'Allemagne, la Russie soviétique, les Etats-Unis, consacrent plusieurs milliards chaque année à l'organisation du repos des travailleurs.

Le tourisme populaire en France n'avait, jusqu'à une dizaine d'années environ, jamais été pris en considération, sinon pour empêcher ceux que, dans certains milieux, on appelle d'une manière péjorative, des « congés payés », de se promener à Deauville ou à Cannes. C'est tout de même un peu insuffisant au point de vue de la propagande en faveur du tourisme populaire.

J'estime donc, en m'associant entièrement à M. Poimbœuf, qu'entre le chiffre proposé par le ministère des travaux publics et ceux qui ont été acceptés par le ministère des finances il y a, — nous sommes là dans la proportion de dix contre un — un moyen terme à trouver, qui tiendrait compte, comme l'a dit M .Chaumié, des possibilités actuelles et de priorités normales, et d'un autre côté, de l'importance et de l'intérêt que peut présenter cette question.

C'est dans ce sens que je demande à l'Assemblée d'accepter une diminution indicative de crédit de 1.000 fr. sur ce chapitre.

M. le président de la commission des finances. Nous sommes d'accord.

M. le président. La parole est à M. le ministre des travaux publics.

M. le ministre des travaux publics et des transports. Messieurs, avec les dirigeants de l'association « Tourisme et travail » j'ai examiné les comptes de cette association et je suis arrivé à la conclusion que M. le ministre des finances avait été un peu trop sévère dans la réduction qu'il propose du crédit demandé par l'association en cause, laquelle se propose de créer, à côté de l'organisation scientifique du travail, celle du repos des travailleurs. Cette association poursuit un but légitime et très utile.

Je suis donc, sur ce point, tout à fait d'accord, non seulement avec les dirigeants de « Tourisme et travail », mais avec MM. Poimbœuf et de Boysson. Néanmoins, en examinant, avec les dirigeants de cette association, le budget qu'ils ont mis sur pied pour l'année 1945, j'ai cons-

taté, et je suis arrivé à le leur faire reconnaître, qu'un certain nombre de dépenses qui se trouvaient prévues ne pourraient pas, en réalité, être effectuées et qu'il n'était même pas bon, pour le départ de cette association, qu'elle s'engageât dans une politique d'acquisition ou de transformation d'immeubles, et sur ce point, j'ai été compris.

Par conséquent, le Gouvernement accepte la réduction de 1.000 fr. à titre indicatif. Le ministre des travaux publics est d'avis que le crédit, qui a été réduit par le ministre des finances, doit être sérieusement relevé. A mon avis, il doit être au moins doublé, et c'est sur ces bases que je le défendrai devant M. le ministre des finances.

M. le président. S'il n'y a pas d'autre observation, je mets aux voix l'amendement de MM. de Boysson et René Thuillier, accepté par le Gouvernement et la commission.

(*L'amendement, mis aux voix, est adopté.*)

M. le président. A la suite des votes que l'Assemblée vient d'émettre, le crédit du chapitre 73 est ramené au chiffre de 39.199.000 fr.

Je mets donc aux voix le chapitre 73 avec le chiffre nouveau de 39.199.000 fr.

(*Le chapitre 73, ainsi modifié, mis aux voix est adopté.*)

M. le président. « Chap. 74. — Entretien des chaussées de Paris, 20 millions de francs. ».

Par lettre rectificative, le Gouvernement a demandé à la commission des finances que le crédit de ce chapitre soit augmenté de 30 millions de francs.

La commission des finances a rejeté cette augmentation.

La parole est à M. le rapporteur général.

M. le rapporteur général. Nous avons rejeté la demande du Gouvernement relative au chapitre 74 parce que nous avons estimé qu'il aurait pu éviter de la présenter sous la forme d'une lettre rectificative.

En effet, la subvention de l'Etat a été fixée forfaitairement, depuis le 1er janvier 1938, à 20 millions de francs. On nous dit maintenant — et c'est parfaitement normal — qu'en raison de la hausse des prix de main-d'œuvre et des matériaux, il faut augmenter ladite subvention. Mais on aurait pu prévoir ce fait au moment de la préparation du budget, et si cette prévision n'était pas possible alors, on aurait peut-être pu attendre le vote du collectif.

Nous voudrions, autant que possible, ne laisser passer dans des lettres rectificatives que des augmentations correspondant véritablement à quelque chose d'indispensable et qui était imprévisible au moment de la préparation du budget. A notre avis, ce n'est pas le cas et c'est pourquoi nous avons donné un avis défavorable.

M. le président. La parole est à M. le ministre des finances.

M. René Pleven, *ministre des finances.* Malgré l'avis de la commission des finances, je demande à l'Assemblée de maintenir le crédit au chiffre proposé par la lettre rectificative.

Comme l'a souvent indiqué M. le rapporteur général, il ne faut pas que le budget des travaux publics soit victime du fait qu'il a été établi le premier et très en avance. Nous avons adressé cette lettre rectificative parce que, depuis l'établissement du budget des travaux publics, nous avons eu l'occasion, au cours de réunions avec les élus de la région parisienne et les représentants du comité de la libération parisienne, de constater qu'un certain nombre de chapitres des dépenses du budget de la capitale réclamaient une participation accrue de l'Etat.

Si la réduction de crédits était adoptée, elle ne se traduirait pas par une véritable économie. C'est pourquoi je demande à l'Assemblée de voir plus loin que la procédure et de se prononcer sur le fond pour l'augmentation demandée par le Gouvernement.

M. le président. La parole est à M. le président de la commission des finances.

M. le président de la commission. Etant donné les arguments de M. le ministre des finances, la commission accepte le relèvement de crédits demandé par le Gouvernement

M. le président. Personne ne demande plus la parole ?...

Je mets aux voix le chapitre 74, au chiffre nouveau de 50 millions de francs.

(*Le chapitre 74, ainsi modifié, mis aux voix, est adopté.*)

« Chap. 75. — Subvention exceptionnelle pour la couverture du déficit d'exploitation des sociétés de transport de la région parisienne, 75 millions de francs. » — (*Adopté.*)

« Chap. 76. — Subvention à l'office national de la navigation, 175 millions de francs. » — (*Adopté.*)

« Chap. 77. — Subventions aux ports autonomes, 15 millions de francs. » — (*Adopté.*)

« Chap. 78. — Subvention exceptionnelle à la Société nationale des chemins de fer français pour la couverture du déficit d'exploitation de l'exercice 1944. » — (Mémoire.)

La parole est à M. Paillieux.

M. André Paillieux. — Je m'excuse de revenir sur le débat qui s'est ouvert hier au sujet des tarifs de chemins de fer.

La réponse qui nous a été faite tardivement par M. le ministre des travaux publics ne m'a pas permis de faire une rectification. Il y a eu, je crois, quelque malentendu au sujet de l'automatisme des tarifs de la Société nationale des chemins de fer. J'ai sous les yeux l'article 18 du décret constitutif de la Société nationale des chemins de fer. Il stipule que « le conseil d'administration de la Société nationale sera tenu de faire face, par des augmentations ou des aménagements de tarifs, à défaut d'économies suffisantes, à l'équilibre ainsi défini des prévisions budgétaires, de même qu'à toutes les modifications de la situation ainsi prévue qui pourraient apparaître en cours d'exercice, et qui résulteraient, notamment, soit d'une augmentation de plus de 5 p. 100 par rapport aux prévisions dans les éléments constitutifs des dépenses d'exploitation, soit d'une réduction équivalente des recettes d'exploitation prévues, soit d'une évolution des recettes et des dépenses de nature à compromettre l'équilibre budgétaire prévu ».

Il est bien indiqué plus loin que le Gouvernement se réserve le droit d'autoriser ou de ne pas autoriser ces modifications de tarifs, étant donné qu'il en fera les frais sous forme de subventions.

Mais, dans la pratique, il est certain qu'une telle réglementation conduit à un abaissement des tarifs en période de fort trafic, c'est-à-dire en période de prospérité, et, par contre, à une surcharge des tarifs en période de faible trafic, c'est-à-dire en période de difficultés économiques du pays.

Les statistiques qui ont été faites avec graphiques à l'appui, prouvent qu'avec ce régime, qui au fond, ainsi que l'indiquait M. le ministre, était déjà celui de la convention de 1921, il en a toujours bien été ainsi, et que, par conséquent, il y aurait intérêt à rapprocher les tarifs des possibilités de l'économie nationale.

Ainsi, entre 1921 et 1939 il y a eu deux périodes tout à fait distinctes.

La première, de 1921 à 1930, a été une période de prospérité au cours de laquelle les prix des transports ont été très inférieurs au niveau des prix de gros — car il est bien entendu que ces arguments ont une valeur principalement pour le trafic des marchandises, qui est l'élément essentiel des recettes des chemins de fer. Donc, dans la période 1921 à 1930 les prix de revient des marchandises ont été affectés par les transports d'une façon insuffisante par rapport aux possibilités.

Au contraire, dans la période de crise économique qui a suivi jusqu'à 1939, nous voyons les prix de gros se situer à un niveau inférieur à celui des prix de transport exigés de l'usager des chemins de fer.

Tout ceci aboutit à la conclusion que j'essayais de dégager hier de mon exposé, à savoir qu'il serait intéressant que le décret constitutif de la Société nationale des chemins de fer fût modifié de façon à lui permettre de constituer des réserves budgétaires pendant les périodes de prospérité, afin d'éviter de surcharger l'économie nationale en période de difficultés.

S'il en avait été ainsi lors de l'application de la convention de 1921 et du présent décret constitutif, il y aurait eu, à la veille de la guerre, un fonds de réserve de 16 milliards à la Société nationale des chemins de fer. On aurait pu éviter ainsi, par la suite, des augmentations de tarifs qui ont pu paraître, ainsi que je le soulignais hier, un peu lourdes à supporter. Dans la période de 1921 à 1930, si l'on avait cherché à rapprocher les tarifs des prix de gros, on aurait pu obtenir un excédent de recettes d'environ 50 milliards. Toutefois, comme dans la période de 1931 à 1939 il y a eu un déficit effectif de 34 milliards, le bénéfice eût donc été de 16 milliards environ. Encore est-il que ces chiffres tiennent compte de toutes les dépenses de la Société nationale des chemins de fer: dépenses d'exploitation, charges de capital, dépenses d'établissement. Si l'on ne considérait que les seules dépenses d'exploitation, ces chiffres seraient encore plus suggestifs.

Reprenant mon vœu d'hier, je demande donc à M. le ministre de bien vouloir examiner s'il ne serait pas possible d'arriver à une réglementation qui permettrait d'obtenir un tel résultat. A titre de référence, j'indique que le travail dont je viens de vous donner connaissance a été fait par la direction de la Société nationale des chemins de fer, il y a quelques années, en 1939 exactement; ces chiffres présentent donc tout le sérieux désirable.

J'ai posé à M. le ministre, hier, de très importantes questions sur la politique générale des transports et sur son incidence sur le budget même de son ministère dans le chapitre des subventions. Je pense que l'heure tardive ne lui a pas permis de me répondre.

Je serai très heureux d'avoir une indication sur ce que sera, sur ce point, la position du Gouvernement. N'ayant pas une grande habitude des travaux parlementaires, je me suis peut-être un peu fourvoyé. Il est possible que cette question se rapporte à la politique générale du Gouvernement; M. le ministre voudra bien, dans ce cas, me l'indiquer.

M. le président. La parole est à M. le ministre des travaux publics.

M. le ministre des travaux publics et des transports. Je réponds à M. Paillieux sur les deux points qu'il a bien voulu traiter.

Le chapitre 78 figure au budget pour mémoire, puisque c'est au collectif de 1944 que sera reportée la subvention à prévoir en vertu de l'article 18 du décret constitutif de 1937 dont il a parlé.

D'autre part, je ne crois pas qu'il y ait eu entre M. Paillieux et moi-même le malentendu qu'il a évoqué. J'ai expliqué hier que les stipulations de la convention de 1921 étaient très différentes de celles du décret constitutif de 1937, et qu'on ne peut pas parler, pour ce dernier, d'automatisme des tarifs, puisque le Gouvernement est, en définitive, libre d'augmenter les tarifs ou non. Quand il est saisi d'une proposition de relèvement des tarifs par la Société nationale des chemins de fer, il peut ne pas y faire droit, et se borner à combler le déficit par une allocation qui est précisément celle qui figurera, pour un certain nombre de millions, au collectif de 1944.

On ne peut rétablir l'équilibre uniquement avec les tarifs. Il n'en était pas de même dans la convention de 1921. Il y a, à cet égard, une différence qui m'amène au deuxième argument. Vous demandez, monsieur Paillieux — en économie libérale, c'est d'ailleurs parfaitement sain et je conçois que vous le demandiez — qu'on augmente les tarifs quand le trafic est en hausse et qu'on ne les augmente pas au moment où il est en baisse. Il est parfaitement exact que, si l'on pouvait adopter pour les chemins de fer une pareille mesure, la gestion en serait beaucoup mieux assurée et qu'il en découlerait d'excellents résultats, même sous le régime de la convention de 1921. Malheureusement, quand il y a un très fort trafic, on trouve rarement le Gouvernement et le Parlement disposés à relever les tarifs. C'est un fait. Je ne connais pas beaucoup de pays dans lesquels on relève le prix des transports au moment où il y a le maximum de clients. Sans doute, devrait-on le faire; mais on ne le fait pas.

En ce qui concerne la Société nationale des chemins de fer, elle a encore beaucoup à faire — je puis le dire particulièrement à M. Paillieux qui est membre du conseil d'administration de cette société — pour rétablir l'équilibre entre ses recettes, ses dépenses et ses charges. Par conséquent, des propositions nombreuses pourront encore être faites dans ce sens, pour l'agrément particulier de M. le ministre des finances (*Sourires*), si la situation économique permet de nouvelles augmentations de tarifs.

Les augmentations de tarifs devront combler l'insuffisance qui est comblée aujourd'hui par une subvention. Celle-ci devra par la suite permettre de faire face aux charges de capital dont la Société nationale a été provisoirement déchargée pendant la guerre, du fait de la convention de 1937.

Par conséquent, la Société nationale a devant elle un long chemin à parcourir avant de solliciter des augmentations de tarifs destinées à mettre ses dépenses au niveau de ses recettes.

Hier, en effet, je n'ai pas répondu à la question posée par M. Paillieux concernant la politique générale à suivre pour l'avenir des transports, la coordination, le rôle et l'activité des différents modes de transport, notamment du rail et de la route.

M. Paillieux sait que, dès le mois de novembre 1944, avant que soit constitué le nouveau conseil d'administration de la Société nationale des chemins de fer, j'ai adressé à ce conseil, qui en a été saisi dès sa première séance, une lettre par laquelle je lui demandais de me faire connaître ses vues sur les modalités générales suivant lesquelles devaient être reconstruits les chemins de fer.

Le conseil en a délibéré et j'ai reçu une note qui ouvre un certain nombre d'aspects des plus intéressants, tant en ce qui concerne les questions techniques d'augmentation du poids par essieu, d'augmentation corrélative de la résistance des voies et des ponts, que celles du renouvellement de nos triages, de la diminution de leur nombre, de la concentration de nos établissements et de la réforme de la tarification qui permettra seule de réaliser la coordination du rail et de la route, dans l'intérêt ni de la route ni du chemin de fer, mais du public. (*Applaudissements.*)

C'est, en effet, dans l'intérêt du public que la coordination des modes de transport devra être faite, lorsque leur ossature pourra être reconstituée, qu'il y aura de nouveau des chemins de fer et des transports par route.

L'intérêt public veut que, dans un avenir aussi rapproché que possible, l'expéditeur remette ce qu'il a à expédier dans un bureau commun, et que le destinataire le reçoive dans un délai fixé d'avance pour un prix convenu et en bon état, sans que ni l'un ni l'autre n'ait à connaître le moyen de transport qui a été employé.

C'est par la compénétration et l'osmose de ces deux moyens de transport que la coordination, qui avait été faite jusqu'ici pour protéger les chemins de fer contre la route, devra être conçue, à l'avenir, en les reconstruisant tous deux à la dimension qu'ils doivent avoir pour qu'une exploitation économique dans l'intérêt général soit possible.

M. le président. S'il n'y a plus d'observation sur le chapitre 78, nous passons au chapitre suivant.

« Chap. 79. — Insuffisance d'exploitation des chemins de fer secondaires d'intérêt général, 500.000 fr. »

Le Gouvernement a demandé, par lettre rectificative, une augmentation de 13 millions 500.000 fr. du crédit de ce chapitre, qui est, en conséquence, porté à 14 millions de francs.

Cette augmentation est acceptée par la commission.

La parole est à M. le rapporteur.

M. Chaumié, *rapporteur.* Les chapitres 79 et 80 — je me permets d'anticiper sur l'examen de ce dernier chapitre — sont relatifs au déficit des chemins de fer d'intérêt local.

Je n'entends pas adresser un reproche au Gouvernement du fait du retard qu'il a mis à nous transmettre ses nouvelles propositions pour ces deux chapitres. En effet, lorsque le projet de budget des travaux publics a été envoyé à l'impression, les chiffres de ces deux chapitres n'étaient pas encore déterminés.

Mais ces deux crédits appellent certaines constatations.

Nous sommes en présence d'organismes dont l'exploitation est normalement déficitaire, et cela d'une façon grave et chronique. En ce qui concerne les Chemins de fer de Provence, ce déficit a presque un caractère scandaleux. Nos pères s'en sont préoccupés avant nous. Un séquestre a été nommé. La situation est nettement négative. Cependant, il y a des besoins locaux à satisfaire.

Nous voudrions savoir de quelle manière le Gouvernement entend résoudre le problème des Chemins de fer de Provence, étant donné la situation de faillite permanente dans laquelle cette société vit depuis quinze ans. Elle n'avait d'ailleurs pas mieux vécu au cours des années qui ont précédé la faillite, puisqu'elle était alors en état de déficit latent et d'effondrement permanent.

Il nous est demandé, pour cette société dont l'exploitation est déficitaire, mais qui peut et doit faire face aux besoins d'une contrée défavorisée, des sommes très importantes, qui dépassent 15 millions. La demande de crédit précise que les dégâts provoqués par la guerre ont été considérables, et c'est plus de 50 millions que nous aurons à dépenser pour ce chemin de fer.

Il convient donc de déterminer si ce chemin de fer est encore nécessaire et si les moyens actuels de transports routiers ne permettraient pas de satisfaire aux besoins de cette région dans les mêmes conditions de commodité et d'efficacité pour les habitants. Il s'agit de savoir s'il est indispensable, après tant de faillites, d'engager des travaux considérables pour remettre en état une ligne que vous serez peut-être obligés de fermer demain.

M. le président. La parole est à M. le ministre des travaux publics et des transports.

M. le ministre des travaux publics et des transports. Le problème des voies ferrées d'intérêt local se présente sous deux aspects. Leur situation financière est mauvaise depuis de longues années — j'en ai déjà parlé à la tribune. Qu'il s'agisse de tramways ou de voies ferrées d'intérêt local, les compagnies concessionnaires sont souvent les mêmes, et les augmentations de tarifs dont parlait M. Paillieux ont été le plus souvent refusées aussi bien pour les chemins de fer d'intérêt général que pour les chemins de fer d'intérêt local.

Dans l'ensemble, si la situation financière des chemins de fer d'intérêt local est mauvaise, l'état des voies est moins mauvais que celui des chemins de fer d'intérêt général car les premiers ont été moins bombardés, leurs installations ont moins souffert et ils ont rendu de grands services, notamment dans toute la région du Nord de la France. C'est grâce à ces voies ferrées d'intérêt local qu'il a été possible d'alimenter en charbon les sucreries du Nord et de la Somme, tandis qu'il n'a pu en être distribué suffisamment dans le Sud de la France.

Le Chemin de fer de Provence fournit l'exemple d'un séquestre prolongé qui n'a pas réussi à améliorer la situation. Je ne sais exactement depuis combien d'années ce chemin de fer est sous séquestre mais, si mes souvenirs concordent avec ceux de M. le rapporteur, cela doit faire une quinzaine d'années. Quoique les installations se présentent en assez mauvais état, ce chemin de fer rend, M. le rapporteur l'a indiqué, des services à une population qui, pour le moment, est privée de moyens de transports automobiles.

Les observations de M. le rapporteur ayant porté également sur le chapitre 80, je demande la permission de dire quelques mots au sujet du chemin de fer d'Enghien-Montmorency. Il est certain que, le jour où circuleront de nouveau des électrobus, nous disposerons d'un excellent moyen d'assurer les communications sur cette section. Pour le moment, il est nécessaire de maintenir l'exploitation existante.

Je remercie la commission d'avoir bien voulu accepter ces subventions qui permettent le maintien d'exploitations déficitaires mais précieuses, jusqu'à ce que leur réforme définitive ou leur dépose puisse être envisagée.

M. le président. Personne ne demande plus la parole sur le chapitre 79?...

Je le mets aux voix au chiffre nouveau de 14.000.000 de francs, accepté par la commission.

(*Le chapitre 79, ainsi modifié, mis aux voix, est adopté.*)

M. le président. « Chap. 80.— Insuffisance du produit de l'exploitation des chemins de fer concédés placés sous séquestre ou frappés de déchéance, 5.000.000 de fr. »

Le Gouvernement a demandé, par lettre rectificative, une augmentation de 13 millions 100.000 fr. du crédit de ce chapitre qui est, en conséquence, porté à 18.100.000 francs.

Cette augmentation est acceptée par la commission.

Personne ne demande la parole sur le chapitre 80...

Je le mets aux voix au chiffre nouveau de 18.100.000 fr.

(*Le chapitre 80, ainsi modifié, mis aux voix, est adopté.*)

M. le président. « Chap. 81. — Subventions annuelles aux entreprises de chemins de fer d'intérêt local et de tramways, 10 millions de fr. »

Le Gouvernement a demandé, par lettre rectificative, une augmentation de 10 millions de fr. du crédit de ce chapitre, qui est, en conséquence, porté à 20 millions de francs.

Cette augmentation est acceptée par la commission.

Personne ne demande la parole sur le chapitre 81?...

Je le mets aux voix au chiffre nouveau de 20.000.000 de francs.

(*Le chapitre 81, ainsi modifié, mis aux voix, est adopté.*)

« Chap. 82. — Subventions annuelles aux départements et aux communes pour l'exploitation de services publics réguliers de transports par automobiles, 100.000 fr. » — (*Adopté.*)

« Chap. 83. — Subventions à l'Algérie pour les dépenses de chemins de fer, 540.000 fr. » — (*Adopté.*)

« Chap. 84. — Subventions diverses, 58.000 fr. » — (*Adopté.*)

« Chap. 85. — Participation de la France aux dépenses d'organismes internationaux intéressant le ministère des travaux publics et des transports, 666.000 fr. » — (*Adopté.*)

9e partie. — Dépenses diverses.

« Chap. 86. — Secours. — Allocations à des sociétés et œuvres de secours mutuels, 1.002.000 fr. » — (*Adopté.*)

« Chap. 87. — Frais judiciaires, 90.600 francs. » — (*Adopté.*)

« Chap. 88. — Remboursement à l'Office national de la navigation de la quote-part du ministère des travaux publics et des transports dans les dépenses du service de retenue des places de chemins de fer, 350.000 fr. » — (*Adopté.*)

« Chap. 89. — Remboursement d'avances sur les travaux d'amélioration des ports maritimes et des prestations en nature des voies navigables et des ports maritimes, 3.469.000 fr. » — (*Adopté.*)

« Chap. 90. — Remboursement à la Société nationale des chemins de fer français des pensions et rentes d'accidents acquises avant le 11 novembre 1918 sur l'ancien réseau d'Alsace et de Lorraine, 3.000.000 de francs » — (*Adopté.*)

« Chap. 91. — Retraites des agents des chemins de fer secondaires d'intérêt général, des chemins de fer d'intérêt local et des tramways. — Versements à effectuer par l'Etat en exécution des lois des 22 juillet 1922 et 31 mars 1928, 450.000 fr. » — (*Adopté.*)

Chap. 92. — Participation de l'Etat à la constitution de retraites en faveur des agents des grands réseaux de chemins de fer, révoqués à la suite de la grève de 1920 sans droit à pension et non réintégrés, 525.000 fr. » — (*Adopté.*)

« Chap. 93. — Indmnités compensatrices aux agents et ouvriers des chemins de fer d'Alsace et de Lorraine, 5.000.000 de francs. » — (*Adopté.*)

« Chap. 94. — Emploi de fonds provenant de legs ou de donations. » — (*Mémoire.*)

« Chap. 95. — Dépenses des exercices périmés non frappés de déchéance. » — (*Mémoire.*)

« Chap. 96. — Dépenses des exercices clos. » — (*Mémoire.*)

TITRE II

LIQUIDATION DES DÉPENSES RÉSULTANT DES HOSTILITÉS

« Chap. LA. — Institut géographique national. — Liquidation des créances de l'ancien service géographique de l'armée. » — (*Mémoire.*)

« Chap. LB. — Dépenses de personnel nécessitées par le fonctionnement des services départementaux de transports routiers, 115.000.000 de francs. »

La parole est à M. Ouradou.

M. Ouradou. Je désirerais obtenir quelques explications sur le relèvement du crédit de ce chapitre de 25 millions à 115 millions de fr.

M. le président. La parole est à M. le ministre des travaux publics.

M. le ministre des travaux publics et des transports. La raison de l'augmentation de crédit est très simple. C'est la conséquence de la réorganisation des transports prévue par l'ordonnance du 30 juin 1944 à laquelle je viens de faire allusion, et du fait que ces dépenses régionales ont été enlevées aux organisations professionnelles, aux comités d'organisation des transports routiers, pour être passées aux services dirigés par l'Etat. C'est la conséquence du dessaisissement des comités d'organisation intéressés et de la remise aux services départementaux des transports routiers. C'est la traduction financière de l'ordonnance du 30 juin 1944.

M. Ouradou. Je vous remercie, M. le ministre.

M. le président. Personne ne demande plus la parole sur le chapitre L B ?..

Je le mets aux voix au chiffre de 115 millions de francs.

(*Le chapitre LB, mis aux voix, est adopté.*)

« Chap. LC. — Dépenses de matériel nécessitées par le fonctionnement des services départementaux de transports routiers, 30.000.000 de francs » — (*Adopté.*)

« Chap. LD. — Réparation des dégradations anormales subies du fait de la guerre et de l'occupation par les chemins départementaux et communaux, 150.000.000 de francs » — (*Adopté.*)

« Chap. LE. — Dépenses des exercices clos. » — (*Mémoire.*)

« Chap. LF. — Dépenses des exercices périmés non frappées de déchéance. — (*Mémoire.*)

TITRE III

DÉPENSES D'ÉQUIPEMENT

M. le président. « Chap. A. — Amélioration des grands itinéraires routiers (loi du 5 octobre 1940), 300.000.000 de francs. »

Par voie d'amendement, M. Ouradon propose de réduire le crédit de ce chapitre de 100.000.000 de francs et de le ramener, en conséquence, à 200.000.000 de francs.

La parole est à M. Ouradou.

M. Ouradou. J'ai demandé cette réduction de crédit parce que je considère que notre réseau routier, le plus beau avant la guerre, est aujourd'hui bien malade et qu'il y aurait lieu, avant d'envisager l'amélioration des grands itinéraires routiers, de remettre en état les routes existantes. J'estime en outre qu'il conviendrait d'affecter le crédit prévu à un compte spécial en vue de la réparation des routes.

M. le président. La parole est à M. le ministre des travaux publics.

M. le ministre des travaux publics et des transports. Je demande à M. Ouradou de ne pas insister. Son amendement irait à l'encontre d'une demande précédente de l'Assemblée relative aux crédits à allouer aux ingénieurs en chef pour l'utilisation de la main-d'œuvre en chômage.

Il existe, depuis l'acte dit loi du 5 octobre 1940, un programme de modifications pour un certain nombre d'itinéraires routiers. Des chantiers sont ouverts. Certains ont été partiellement arrêtés. Il est indispensable, dans la situation présente, que les commissaires de la République, les préfets, les ingénieurs en chef puissent, lorsqu'il y a des chômeurs dans une localité, les employer à l'achèvement des travaux en cours.

C'est pourquoi je demande à M. Ouradou de ne pas insister. Aucune question de principe touchant à la coordination du rail et de la route n'est engagée par ce chapitre. Il s'agit, purement et simplement, de poursuivre l'exécution de travaux de rectification d'itinéraires routiers absolument nécessaires.

M. le rapporteur. Je demande la parole.

M. le président. La parole est à M. le rapporteur.

M. Chaumié, *rapporteur.* La commission demande à M. Ouradou de retirer son amendement. En effet, la loi relative aux grands itinéraires routiers, qui a été adoptée pour lutter contre le chômage, présente aussi un intérêt de clarté budgétaire.

Le Gouvernement — nous le lui avons demandé instamment — s'efforce de rétablir et de réparer le mieux possible notre réseau routier, profondément détérioré. Le plan de 1940 — à vrai dire le plan relatif aux grands itinéraires routiers existait déjà bien avant, car il est antérieur d'une dizaine d'années à cette date et je me souviens d'en avoir discuté devant la commission de l'armée du Sénat au point de vue de ses incidences militaires — ce plan doit être exécuté.

Que ce plan ne soit pas intégralement réalisé dès maintenant en ce qui concerne les grands itinéraires, je l'admets; mais, lorsqu'il s'agit de réparer une route comprise dans ce plan, nous n'allons pas la réparer dans les limites de son gabarit actuel. Nous la réparerons sur les nouvelles bases. Nous devons travailler sur des plans nouveaux, car nous n'avons pas oublié que notre pays n'est pas seulement à reconstituer dans sa forme ancienne, mais aussi à reconstruire sous une forme nouvelle et meilleure. Dans cet esprit, chaque travail à accomplir doit être conçu sur le plan de l'avenir.

M. le président. La parole est à M. Ouradou.

M. Ouradou. J'accepte de retirer mon amendement, mais je déclare que les arguments qui m'ont été opposés ne m'ont pas convaincu. J'ignore, en effet, dans quelle région de France s'effectuent les travaux dont on a parlé. Je pense que, dans le voisinage de ces travaux, existent des routes qui ont besoin de réparations. Je répète que non seulement une partie du réseau routier, mais l'ensemble de ce réseau, est en mauvais état. Le Gouvernement, d'ailleurs, n'est pas responsable de cette situation, mais le fait demeure et j'aurais aimé qu'on procédât à des travaux d'entretien plutôt qu'à des travaux ne répondant pas à des besoins immédiats.

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M. le président. L'amendement est retiré.

Je mets aux voix le chapitre A au chiffre de 300 millions de francs.

(*Le chapitre A, mis aux voix, est adopté.*)

M. le président. — « Chap. B. — Construction, acquisition et aménagement d'immeubles, 15 millions de francs. » — (*Adopté.*)

« Chap. C. — Routes nationales. — Construction, rescindement d'immeubles et amélioration, 52 millions de francs. » — (*Adopté.*)

« Chap. D. — Ponts. — Constructions et grosses réparations, 70 millions de francs. » — (*Adopté.*)

« Chap. E. — Passages à niveau (loi du 5 octobre 1940), 50 millions de francs. » — (*Adopté.*)

« Chap. F. — Etudes et travaux du chemin de fer Méditerranée—Niger. » — (*Mémoire.*)

« Chap. G. — Canaux et rivières. — Travaux de déblaiement et de remise en état, 300 millions de francs. » — (*Adopté.*)

M. le président. « Chap. H. — Ports maritimes. — Travaux de déblaiement et de remise en état, 900 millions de francs. »

Par lettre rectificative, M. le ministre a demandé une augmentation de 600 millions du crédit de ce chapitre, qui est, en conséquence, porté à 1.500 millions de francs.

La commission accepte cette augmentation de crédit.

Personne ne demande la parole ?...

Je mets aux voix le chapitre H, avec le nouveau chiffre de 1.500 millions de francs.

(*Le chapitre H, ainsi modifié, mis aux voix, est adopté.*)

« Chap. I. — Travaux d'équipement des voies navigables (loi du 5 octobre 1940), 15 millions de francs. » — (*Adopté.*)

« Chap. J. — Voies de navigation intérieure. — Etablissement. — Amélioration et restauration, 160 millions de francs. » — (*Adopté.*)

« Chap. K. — Aménagement et assainissement des plaines de l'Isère, du Drac et de la Romanche (Grésivaudan et Oisans) (loi du 30 novembre 1941), 5 millions de francs. » — (*Adopté.*)

« Chap. L. — Travaux d'équipement des ports maritimes. — Part de l'Etat (loi du 5 octobre 1940), 200 millions de francs. » — (*Adopté.*)

« Chap. M. — Construction d'une forme de radoub au port de Marseille. » — (*Mémoire.*)

« Chap. N. — Ports maritimes. — Extension, amélioration et restauration, 150 millions de francs. » — (*Adopté.*)

« Chap. O. — Ports de pêche. — Extension, amélioration et restauration, 10 millions de francs. » — (*Adopté.*)

« Chap. P. — Phares, balises et signaux divers. — Amélioration, extension et restauration, 90 millions de francs. » — (*Adopté.*)

M. le président. « Chap. Q. — Phares, balises et signaux divers. — Reconstitution du matériel, 50 millions de francs ».

Par lettre rectificative, M. le ministre des travaux publics et des transports a demandé une augmentation de 16 millions du crédit de ce chapitre qui est, en conséquence, porté à 66 millions de francs.

La commission accepte cette augmentation de crédit.

Personne ne demande la parole ?...

Je mets aux voix le chapitre Q, au nouveau chiffre de 66 millions de francs.

(*Le chapitre Q, ainsi modifié, mis aux voix, est adopté.*)

« Chap. R. — Construction de dépôts d'hydrocarbures. » — (*Mémoire.*)

« Chap. S. — Subventions allouées par l'Etat pour l'exécution des travaux d'intérêt local visés par la loi du 11 octobre 1940 (décret du 13 mai 1941), 6.382.000 fr. » — (*Adopté.*)

« Chap. T. — Reconstruction des ouvrages d'art (loi du 5 octobre 1940), 700 millions de francs. » — (*Adopté.*)

« Chap. U. — Réparation des dégâts causés par les inondations d'octobre 1940 et d'avril 1942 dans les départements des Pyrénées-Orientales et de l'Aude (lois des 11 novembre 1940 et 11 juin 1942), 15 millions de francs. » — (*Adopté.*)

« Chap. V. — Subventions aux collectivités locales pour l'exécution de travaux de défense contre les eaux dans les départements des Pyrénées-Orientales et de l'Aude (loi du 9 novembre 1942). » — (*Mémoire.*)

« Chap. W. — Achèvement de programmes de grands travaux. » — (*Mémoire.*)

« Chap. X. — Dépenses des exercices clos. » — (*Mémoire.*)

« Chap. Y. — Dépenses des exercices périmés non frappées de déchéance. » — (*Mémoire.*)

Nous avons terminé l'examen du budget des travaux publics et des transports.

Si l'Assemblée n'y fait pas opposition, la séance sera suspendue pendant quelques instants et nous aborderons à la reprise l'examen du budget du ministère de la justice. (*Assentiment.*)

La séance est suspendue.

(*La séance, suspendue à dix-sept heures quarante-cinq minutes, est reprise à dix-huit heures vingt-cinq minutes.*)

M. le président. La séance est reprise.

Justice.

M. le président. Nous arrivons au budget de la justice.

M. Robert Pimienta. Je demande le renvoi de la suite de la discussion à mardi.

M. le président. M. André Philip, rapporteur général, qui supplée M. Bonnevay, rapporteur du budget de la justice, empêché par la maladie de participer à nos débats, demande à l'Assemblée de lui permettre de faire son exposé sur l'ensemble du budget de la justice au cours de cette séance.

Nous pourrions, après son intervention, renvoyer la suite du débat à mardi, de façon à ne pas scinder les explications des orateurs qui désirent prendre la parole dans la discussion générale.

Je propose donc à l'Assemblée d'entendre M. André Philip et de régler ensuite l'ordre du jour de la prochaine séance.

Il n'y a pas d'opposition ?...

Il en est ainsi décidé.

La parole est à M. le rapporteur général.

M. André Philip, *rapporteur général.* Mesdames, messieurs, en l'absence de M. Bonnevay, rapporteur particulier du budget de la justice, actuellement souffrant, j'ai l'honneur de vous présenter les observations de la commission des finances sur ce budget.

Le projet de budget de la justice fait ressortir une augmentation sensible des crédits par rapport à l'année dernière, puisque ceux-ci passent de 498 millions à 1 milliard 380 millions, et bien davantage encore en tenant compte des dernières lettres rectificatives qui viennent de nous être adressées en dernière heure. Mais cette augmentation correspond beaucoup plus à des virements de crédits, correspondant à des transferts de services d'un ministère à un autre, qu'à des accroissements effectifs de dépenses et la commission a fait subir aux crédits proposés relativement peu de modifications, la plupart de ces dépenses apparaissant comme nettement incompressibles.

Parmi les différents éléments de ce budget, on distingue, en effet, au tout premier rang, des crédits de personnel, sur lesquels se sont répercutés certains relèvements provisoires de traitements, la création de certaines institutions nouvelles, le développement du service des naturalisations et, enfin, le transfert au ministère de la justice, accompagnant un début de leur réorganisation, des services pénitentiaires et des services de l'éducation surveillée de l'enfance délinquante.

Je vais présenter quelques observations sur ces diverses catégories de dépenses.

Au sujet des traitements et du personnel général de la justice, je ne puis que rappeler ce qui, déjà, au moment de la discussion du collectif, a été exposé par M. Bonnevay: la magistrature traverse encore une période de crise grave.

Un manque de magistrats se constate d'une façon générale et le recrutement se fait dans des conditions extrêmement difficiles. Dans les cours d'appel, 370 postes n'ont pas de titulaire. Dans les justices de paix, sur 1.197 postes, 215 sont vacants. Par ailleurs, le nombre des candidats diminue d'année en année. Pour l'ensemble de la magistrature, il n'y a eu que 109 candidats en 1943, 44 en 1944. Aux examens de la justice de paix, on a compté: en 1941, 174 candidats et 78 admis; en 1942, 79 candidats et 38 admis; en 1943, 62 candidats et 22 admis; en 1944, 34 candidats seulement.

Nous nous trouvons donc devant un problème de la plus haute gravité, qui est la conséquence même de l'ensemble des mesures prises par le gouvernement de Vichy. Lorsqu'on a exigé de la magistrature le serment de fidélité à la personne du représentant de l'Exécutif, on a détruit par là même le prestige de cette magistrature et l'attrait que cette fonction pouvait exercer sur des esprits jeunes ayant le respect de leur dignité et la volonté de remplir convenablement et honnêtement leur mission.

Une réorganisation d'ensemble est aujourd'hui possible. Elle est nécessaire. En opérant des ajustements des traitements, car ceux qui ont été alloués jusqu'ici, même après la dernière adaptation des traitements des fonctionnnaires, sont tout à fait insuffisants, et en offrant ainsi aux magistrats futurs la possibilité d'une carrière susceptible d'attirer des hommes d'élite, en redonnant à la magistrature le lustre, le prestige et les bases matérielles qu'elle a eus dans le passé, nous pouvons espérer refaire une magistrature française digne de ses anciennes traditions.

Mais, pour y parvenir, un gros effort est à accomplir: effort sur le plan matériel, de façon que les magistrats soient reclassés au rang correspondant à l'importance de leurs fonctions dans l'ensemble des services publics français, et accentuation de l'œuvre de nettoyage et d'épuration dans les cadres de cette magistrature, afin que nos tribunaux soient composés de magistrats vraiment dignes de ce nom et en qui le peuple de France puisse avoir confiance. (*Applaudissements.*)

Car le problème que je viens de signaler, à propos des candidatures aux fonctions de magistrats, nous le retrouvons sous une forme peut-être plus sensible encore dans l'état d'esprit du public français qui souffre de troubles graves, d'un malaise psychologique général tenant au fait que, comme conséquence de ce qui s'est passé dans ces dernières années, le respect même de la magistrature et la confiance dans la justice ont été brisés dans l'opinion publique. (*Applaudissements.*)

Cette foi dans la magistrature, ce prestige qu'aux yeux de l'opinion publique devrait toujours avoir le juge, dont les dé-

cisions devraient être acceptées par tous et jamais discutées ni mises en question, tout cela, qui suppose à la base même le respect de l'institution de la magistrature, n'existe plus. Tout cela a été détruit par tout ce qui s'est passé dans ces dernières années.

C'est une œuvre dure, difficile, de longue haleine, une œuvre de reconstruction matérielle et morale que vous devez entreprendre, monsieur le ministre, et que nous souhaiterions peut-être voir entreprendre avec un peu plus d'énergie et de rapidité dans l'exécution. (*Applaudissements.*)

Déjà des institutions nouvelles ont été créées, que nous voyons apparaître dans le budget et que la commission considère comme parfaitement légitimes et nécessaires:

Il y a l'inspection générale de la magistrature, avec un inspecteur général, trois inspecteurs, un secrétaire général et quelques auxiliaires. C'est un cadre qui devra, une fois que nous serons revenus en période normale, être sensiblement réduit, mais qui est indispensable à l'heure présente, car il est nécessaire que le ministre puisse être renseigné, dans l'œuvre générale de reconstruction qu'il doit entreprendre, autrement que par les rapports des chefs de cour.

Il y a, d'autre part, et c'est dû à l'initiative de la commission des finances qui a suscité une lettre rectificative, les crédits pour la Haute Cour de justice qui aura à juger les membres du pseudo gouvernement qui ont collaboré avec l'ennemi.

Il y a enfin l'ensemble des cours de justice qui avaient déjà été instituées par les ordonnances d'Alger et qui, dans leur fonctionnement actuel, ont exigé une augmentation du nombre des juges d'instruction, des substituts et des greffiers.

La commission des finances, sur ces points, a accepté l'ensemble de vos propositions.

Il est nécessaire de mettre à la disposition de ces organismes judiciaires tous les éléments qui leur sont indispensables. Nous demanderons simplement, plus particulièrement pour les juges d'instruction, qu'il y ait un choix un peu plus judicieux que celui qui a été fait, afin que les cours de justice puissent fonctionner avec une instruction à la fois plus rapide, plus complète et plus sûre, que cela n'a été le cas au cours de ces derniers mois.

J'ai fait allusion, et je n'y reviendrai plus, à ce malaise général existant encore dans l'opinion publique, malaise qui a été aggravé par des décisions judiciaires, quelquefois assez variables, de département à département, et parfois dans le même lieu par les mêmes sections de la même cour de justice. Nous avons vu, à Lyon, par exemple, deux condamnations différentes faites le même jour par deux sections de la même cour: le cheminot qui avait dénoncé deux de ses camarades était condamné à mort, pendant qu'un autre dénonciateur infiniment plus coupable échappait, lui, à la peine capitale.

Nous devons signaler que certaines condamnations un peu trop indulgentes, que certaines grâces malencontreuses ont créé dans le pays une inquiétude qu'on ne saurait dissimuler et à laquelle il est nécessaire de remédier si l'on veut reconstruire vraiment cette foi dans la magistrature, sans laquelle il ne peut y avoir de justice républicaine. (*Applaudissements.*)

J'en viens à l'examen des autres services. En ce qui concerne le service des naturalisations, à l'occasion du collectif, nous avons accordé les crédits nécessaires et nous avons également accepté intégralement ceux qui figurent au projet de budget. Il est, en effet, indispensable de donner à l'administration de la justice tout le personnel qui lui est nécessaire pour procéder à la reprise des naturalisations.

Depuis quatre ans, celles-ci ont été suspendues. 200.000 dossiers dorment dans les préfectures. Le pseudo-gouvernement de Vichy a même revisé les anciennes naturalisations, et près de 280.000 personnes ont été à nouveau dénaturalisées. Les dossiers doivent être examinés à nouveau. Nous demandons que cet examen soit effectué dans le plus bref délai possible.

Parmi ces étrangers, qu'il s'agisse de ceux qui, naturalisés, ont été dénaturalisés par Vichy, ou de ceux qui étaient et sont encore en instance de naturalisation, il en est un grand nombre qui ont participé à la résistance, côte à côte avec nos camarades et que les hommes de la résistance considèrent, depuis longtemps déjà, comme des concitoyens. (*Applaudissements.*)

Par ailleurs, nous savons que la France se trouvera de nouveau dans la nécessité d'avoir une politique d'immigration; dans l'état de notre natalité et avant que les mesures de redressement que nous envisageons puissent porter leurs fruits, pendant de longues années, pour son existence économique et industrielle, la France va avoir besoin d'une politique systématique contrôlée et rationnelle d'immigration étrangère.

Il faudra pour cela que la plupart de ces ouvriers immigrés soient le plus rapidement possible assimilés et absorbés par la communauté française.

Nous vous demanderons donc, monsieur le ministre, de pousser votre effort en faveur des naturalisations pour que les dossiers, autant que possible, ne traînent pas aussi longtemps que cela a été le cas jusqu'ici par suite du manque de personnel.

Pourrais-je faire la suggestion qu'il y aurait peut-être intérêt à examiner une réforme qui introduirait en France la pratique américaine des *first papers*. Par une procédure administrative rapide, on pourrait, avant même qu'ait couru le délai complet de naturalisation intégrale, donner aux étrangers qui séjournent sur notre territoire depuis un certain temps et dont la présence est nécessaire pour la vie de notre économie, les premiers papiers qui leur conféreraient déjà, à défaut des droits civiques et politiques, une garantie de stabilité dans leur existence et leurs possibilités de travail sur notre territoire, et les feraient échapper au contrôle souvent arbitraire de la police.

J'arrive aux services pénitentiaires. Ce sont de ceux pour lesquels vous nous avez déjà demandé des augmentations de crédits dans le budget et ensuite massivement dans les deux ou trois lettres rectificatives qui nous sont parvenues ces derniers jours, l'une à propos du rétablissement des établissements pénitentiaires d'Alsace et de Lorraine, comme conséquence de la libération de ces territoires, et l'autre en vue de la création de trois établissements nouveaux. La commission des finances vous a accordé immédiatement les crédits nécessaires.

C'est, en effet, un grave problème que celui de nos services pénitentiaires. Il y a aujourd'hui une surpopulation de détenus, qui sont passés de 18.000 en 1939 à près de 52.000, et le chiffre va encore augmenter. Le résultat, c'est qu'il y a dans nos prisons une sursaturation et des conditions d'existence qui sont lamentables. Dans cette Assemblée, trop de gens ont connu de telles conditions pour ne pas vouloir tout faire pour les améliorer. (*Applaudissements.*)

Sur ce point encore, nous sommes prêts à vous accorder tous les crédits que vous nous demanderez. Nous indiquons simplement que, s'il convient de prendre des mesures immédiates, par la création de maisons centrales nouvelles, afin de parvenir à limiter le surpeuplement des anciennes, c'est en réalité toute une réforme d'ensemble des services pénitentiaires qu'il est nécessaire de réaliser. Nous espérons, monsieur le ministre, qu'à l'occasion du prochain budget vous voudrez bien soumettre à l'Assemblée le plan général d'une telle réforme.

En tout cas, à la commission des finances, nous tiendrions à obtenir de M. le ministre de la justice la confirmation qu'on ne reviendra pas sur la décision qui avait été prise avant la guerre au sujet des travaux forcés et de la Guyane.

Il doit être bien entendu que, même le jour où elles seront possibles, les expéditions ne reprendront pas vers la Guyane et que nous abandonnerons complètement le système périmé et définitivement condamné du bagne. Il doit être bien entendu que nous voulons donner à notre colonie de la Guyane la possibilité de se développer de la même façon que les colonies environnantes, qui ont pu parvenir à une véritable prospérité parce qu'elles étaient orientées vers la colonisation libre. Ainsi ne pèsera plus sur notre Guyane le poids du bagne, qui a arrêté le progrès économique d'une de nos colonies qui était susceptible d'être parmi les plus prospères.

Par ailleurs, nous avons pris position contre le régime du bagne en général. Nous comptons bien, monsieur le ministre, qu'au nom du Gouvernement vous confirmerez que telle est toujours la pensée officielle. Nous pensons que cette réforme sera incluse dans le plan général de réorganisation des services pénitentiaires que nous vous demandons de préparer dans le délai le plus court.

J'aborde enfin un des problèmes les plus graves, à propos duquel, si l'on a déjà agi, il reste encore beaucoup à faire. D'ailleurs, sur ce problème, les services de la justice auront à prendre une responsabilité particulière, puisque les services intéressés qui avaient été détachés au ministère de l'intérieur viennent de revenir à celui de la justice. Ce problème est celui de l'éducation surveillée pour l'enfance délinquante.

Ce sont désormais les services du ministère de la justice qui auront la charge d'assurer le relèvement de l'enfance coupable. Or, la criminalité juvénile est un des plus graves fléaux sociaux de notre époque. La progression du nombre des jeunes délinquants a été constante depuis le début de la guerre: le nombre des délinquants juvéniles est passé de 12.165 en 1939 à 32.290 en 1943.

Sans doute, il y a toutes les circonstances exceptionnelles tenant à la misère de ces dernières années, au désordre moral créé par l'atmosphère même de Vichy et de la collaboration, mais il y a des causes permanentes auxquelles on n'a pas toujours su opposer un plan cohérent et une action décidée. Il y a les influences mauvaises de certaines familles, le milieu où joue le facteur hérédité, car souvent ces jeunes sont sous le poids d'une hérédité alcoolique ou syphilitique; ils sont issus de familles dissociées ou de foyers dévastés par la maladie ou gangrenés par le vice ou désorganisés simplement par la misère.

Il est nécessaire d'agir à la source, et c'est pour cela que le problème de l'enfance délinquante ne peut pas être séparé du problème, que nous trouverons à propos du budget de la santé publique, de l'action en faveur de l'enfance déficiente, en danger moral.

La justice ne peut pas prendre un enfant au moment où il a commis un délit alors qu'elle s'en est désintéressée auparavant. D'ailleurs, la distinction n'est pas et ne peut pas être entre celui qui a commis un délit et celui qui ne l'a pas commis ou ne s'est pas fait prendre. Le problème est dans l'étude des différents types de jeunes: celui qui est un arriéré uniquement intellectuel et qui doit être examiné du point de vue d'une éducation spéciale dépendant de la compétence de l'éducation nationale; celui qui est un arriéré physique, et c'est du point de vue de la santé que le problème doit être examiné; celui qui a des troubles caractériels, qu'ils se soient traduits par un acte illicite ou non, et il y a ici une technique complètement spéciale, qui n'est pas uniquement médicale, qui ne relève pas uniquement de la pédagogie normale et pour laquelle il faut faire un effort tout à fait particulier. (*Applaudissements.*)

Un problème de la prévention et du dépistage se pose donc d'abord, pour lequel il faut des enquêtes familiales très suivies et qui exige une action émanant à la fois de la santé publique, du travail et de plusieurs ministères qui sont intéressés à ce problème.

D'autre part, lorsqu'on arrive à saisir l'enfant au moment du délit, tout le problème du redressement est un problème qui n'a rien à faire avec le châtiment du coupable tel qu'il avait été conçu dans le passé.

La première mesure à prendre est d'individualiser le service de l'éducation surveillée. Quelque chose a déjà été fait dans ce sens: par un décret du 6 décembre 1944, vous avez créé, monsieur le ministre, une sous-direction de l'éducation surveillée; avec des magistrats spécialisés, vous avez commencé un plan de réorganisation. Mais il est nécessaire d'aller encore plus loin et je ne serai pas suspect et à cet égard puisque, il y a quelques jours, lorsque le débat budgétaire a commencé, au nom de la commission des finances j'ai protesté contre la multiplication, dans la plupart des ministères, du nombre des directions. Il s'agit là vraiment d'un cas exceptionnel où il faut une direction spéciale de l'éducation surveillée qui n'ait aucun rapport avec l'administration pénitentiaire. (*Applaudissements.*)

Il faut séparer totalement et à tous les degrés les services de l'éducation surveillée et l'administration pénitentiaire. Aucun élément du personnel pénitentiaire, qui n'a aucune des capacités requises pour l'œuvre de rééducation, ne doit demeurer dans les services de l'éducation surveillée.

Je crois savoir, monsieur le ministre, que vous avez arrêté un projet de statut des éducateurs. Nous voudrions le voir sortir le plus rapidement possible, et réaliser à tous les stades, dans l'organisation départementale comme dans vos services centraux, la séparation totale indispensable. Il faut garantir l'autonomie complète du service de l'éducation surveillée par rapport à l'administration pénitentiaire dont elle est sortie et où nous espérons bien qu'elle ne rentrera jamais. (*Applaudissements.*)

Sur le plan judiciaire, vous avez également mis en œuvre une spécialisation des tribunaux pour enfants. Il est nécessaire de persévérer dans cette voie. Il convient qu'auprès de chaque tribunal soit placé un juge pour enfants, spécialisé dans la conduite des enquêtes et dans l'instruction de ces sortes d'affaires. Ce juge décidera ou bien de renvoyer l'enfant dans sa famille, ou bien de le faire comparaître devant un tribunal d'enfants, composé de lui-même et de deux assesseurs choisis, en dehors de la magistrature, parmi les personnes spécialisées dans les problèmes de l'enfance.

Il est nécessaire que, dès le début, on ait le sentiment que l'enfant délinquant ne sera pas l'objet de mesures de répression, mais sera soumis à une éducation spéciale. Jamais l'enfant ne doit être placé dans une maison d'arrêt. Déjà, on a commencé à organiser, pour eux, un certain nombre de centres d'accueil, privés pour la plupart. Déjà aussi, les assistantes sociales, en particulier dans la région parisienne, jouent, dans l'enquête, un rôle très important pour renseigner le juge sur la situation familiale. Si l'enfant est mis en liberté surveillée, elles sont chargées de le suivre dans sa famille ou dans une autre famille où il a pu être placé. Elles doivent également réaliser le reclassement de ceux qui sortent de maisons spéciales et, à l'occasion de l'enfant délinquant, faire, dans la même famille, le dépistage des autres enfants dont il serait nécessaire de prendre la charge.

Mais ce qui a été fait est insuffisant, et si l'on veut, au point de départ, avoir une véritable observation du mineur délinquant, condition préalable de son redressement, il faut prévoir des centres scientifiques d'observation, à raison d'un au moins dans chaque grand département industriel. Il ne s'agit pas seulement de consultations médico-psychologiques comme celles qui existent dans plusieurs villes, où l'on peut présenter l'enfant à une consultation, mais d'un centre d'observations complètes où il séjournera pendant quelques semaines et où il sera soumis à la fois à l'observation médicale, à l'observation sociale et à l'observation psycho-technique, à une étude pédagogique complète qui peut être le fruit de la collaboration de plusieurs spécialistes. C'est seulement après, que, muni de ces éléments, le juge pourra prendre une décision qui aura une valeur scientifique.

Arrivant à la phase du redressement, je voudrais présenter deux observations, l'une sur les établissements publics, l'autre sur les établissements privés qui y contribuent.

Les établissements publics, les maisons d'éducation surveillée, aussi bien de garçons que de filles, ont été installés, dans le passé, dans de vieux bâtiments pénitentiaires. J'en ai visité entre 1936 et 1938 et, pour un très grand nombre d'entre eux, ce milieu même rendait impossible la transformation de l'état d'esprit ancien et l'introduction des méthodes nouvelles.

La guerre aura heureusement détruit un grand nombre de ces établissements et nous pensons que, pour en instituer de nouveaux, vous partirez de l'idée qui doit nous inspirer en cette matière: c'est une éducation spéciale qu'il faut faire et les établissements à créer doivent être, comme ceux de Saint-Maurice et de Saint-Hilaire que l'on avait lancés et réformés d'ailleurs dès 1936, des établissements à la campagne, dans un site riant, donnant l'impression d'une œuvre d'éducation et nullement de punition.

Au point de vue des méthodes, vous savez ce qu'ont été pendant trop longtemps les bagnes d'enfants. Dès 1936, il y eut un gros effort de redressement et je voudrais rappeler l'œuvre qui a été commencée au ministère de la justice, par M. Rucart, et continuée par M. Vincent Auriol qui, successivement, se sont attachés à ce problème de la rééducation de l'enfance délinquante et ont lancé des idées nouvelles en cette matière.

Des progrès ont été faits. Des établissements comme ceux de Saint-Maurice et de Saint-Hilaire apparaissent comme vraiment modernes. J'ai visité celui de Saint-Jodard, dans les environs de Lyon, actuellement en plein lancement et qui peut devenir un centre professionnel de premier ordre. Celui de Cadillac vient de faire l'objet d'une réforme complète dans le sens qui me paraît souhaitable.

Nous ne pouvons, monsieur le ministre, que vous encourager dans cette voie en vous demandant d'y attacher la plus grande importance et de poursuivre jusqu'à leur terme, sous une forme systématique et cohérente, les transformations qui ont été commencées.

Partant du principe que le surveillant doit désormais disparaître, les enfants doivent être réunis par groupes de six ou sept, chacun de ces groupes étant confié à un éducateur qui vit et mange avec eux, se sent responsable d'eux, à un éducateur venu le plus souvent — puisque c'est là qu'on trouvera en majorité des hommes capables — du cadre des instituteurs et ayant reçu en outre une formation spéciale pour s'occuper de cette catégorie d'enfants. (*Applaudissements.*)

Il importe de pousser la formation professionnelle avec des maisons spécialisées qui donnent à ces enfants, lorsqu'ils sortent de l'établissement, un métier qu'ils connaissent bien et qui leur permettra de se faire une place dans la vie.

A côté de ces établissements publics il existe un grand nombre d'établissements privés dont je dirai qu'ils sont de valeur souvent inégale, certains d'entre eux de premier ordre, d'autres, au contraire, tout à fait insuffisants. Il importerait que l'Etat renforçât sur ce point son contrôle et coordonnât leurs activités.

Les établissements privés de rééducation ont proliféré au hasard. Dans tel département on en trouve plusieurs qui remplissent à peu près la même fonction. Dans d'autres on n'en trouve pas. Il faut que le Gouvernement provoque les initiatives et les spécialisations nécessaires. Il faut, par ailleurs, puisqu'il a maintenant commencé à mettre au point une technique de la rééducation dans ses propres établissements, qu'il guide les établissements privés et qu'il leur impose parfois une adaptation aux conceptions modernes de la rééducation du mineur délinquant.

Pour obtenir ce résultat, il y a toute une série de mesures qui ne peuvent pas être prises indépendamment par chaque ministère.

Qu'il s'agisse de la prévention ou du dépistage, il faut organiser ces services pour tous les enfants. Il ne faut pas que quelque chose soit fait par la justice et quelque chose par la santé publique. Il ne faut surtout pas que ce soit fait par des œuvres privées qui touchent des subventions à la fois dans trois ou quatre ministères, ce qui empêche de contrôler exactement l'emploi qui est fait des deniers publics.

Dans la mesure où il faut une aide financière aux services sociaux, il faut qu'elle soit groupée, qu'elle soit faite par un organisme unique qui ait un pouvoir de contrôle. La rééducation des mineurs délinquants et de tous les autres inadaptés pose les mêmes problèmes pour la formation des cadres, pour l'établissement des techniques. Il est donc nécessaire que tout soit fait ensemble.

Enfin, il faut des centres uniques d'observation; il ne faut pas que l'on trouve, à côté de centres d'observation dépendant du ministère de la justice, des centres d'accueil dépendant de la santé publique, ou des œuvres privées auxquelles les mi-

nistères de la santé publique, du travail ou de la jeunesse vont verser des subventions. Le budget de la santé publique renferme des poussières de subventions parmi lesquelles il est extrêmement difficile de se retrouver. Je sais que l'on a constitué à ce sujet un comité de coordination. Il est nécessaire de poursuivre cette coordination entre les différents ministères pour arriver peut-être finalement à une direction unique de l'ensemble des services de l'enfance. Les enfants arriérés physiquement, intellectuellement ou moralement, qu'ils soient délinquants ou qu'ils ne le soient pas, seraient alors rattachés à tel ou tel ministère. Il est souhaitable d'aboutir à cette unification et en tout cas, dès maintenant, dans votre cadre, puisque c'est dans l'administration de la justice que, pour l'instant, on est allé le plus loin et que l'on a fait, dans ces derniers temps, les plus grands progrès dans les méthodes de rééducation, en liaison étroite avec le ministère de l'éducation nationale, poussez votre œuvre jusqu'au bout en séparant l'enfance délinquante de l'administration pénitentiaire et en en faisant une institution indépendante

Telles sont les observations que je désirais présenter sur l'ensemble du budget de la justice. La commission a accepté la plupart des crédits. Nous demandons à M. le ministre de les utiliser au mieux, et de faire preuve d'un peu plus d'énergie dans l'œuvre de reconstruction qui est actuellement pour lui un travail sans doute difficile, mais qui est une belle œuvre à entreprendre pour le pays. (*Applaudissements.*)

M. le président. Ainsi que l'Assemblée l'a décidé tout à l'heure, il y a lieu de renvoyer la suite de la discussion à la prochaine séance.

Il n'y a pas d'opposition?...

Il en est ainsi ordonné.

— 5 —

REGLEMENT DE L'ORDRE DU JOUR

M. le président. Nous allons régler, si vous le voulez bien, l'ordre du jour de notre séance de mardi prochain.

Je propose d'inscrire à l'ordre du jour de cette séance :

Nomination d'un membre de la commission de l'intérieur et de la santé publique.

Nomination de trois membres de la commission de surveillance de la Caisse des dépôt et consignations.

Nomination de deux membres de la commission de contrôle de la circulation monétaire.

Réponses de M. le ministre de l'agriculture à trois questions écrites.

Suite de la discussion du budget dans l'ordre suivant :

Justice.

Ravitaillement.

Personne ne demande la parole sur l'ordre du jour?...

M. René Laurin. Et les réponses de M. le ministre de la guerre aux questions écrites ?

M. le président. Il m'est indiqué que ces réponses ont paru hier au *Journal officiel* sous forme écrite.

M. René Laurin. Pas toutes.

M. le président. Il n'y a pas d'autre observation?...

L'ordre du jour est ainsi réglé.

— 6 —

DEPOT DE RAPPORTS

M. le président. J'ai reçu de M. Laboureur un rapport, fait au nom de la commission de l'agriculture et du ravitaillement, sur la proposition de résolution de M. Laboureur tendant à inviter le Gouvernement à réformer l'organisation du ministère du ravitaillement.

Le rapport sera imprimé sous le n° 306 et distribué.

J'ai reçu de M. René Laurin un rapport, fait au nom de la commission des prisonniers et déportés et des pensions, sur la proposition de résolution de MM. Pierre Bugeaud, Jean Dechartre, Etienne Gagnaire et Jacques Benet, tendant à inviter le Gouvernement à attribuer aux étudiants, prisonniers de guerre ou déportés en Allemagne, à leur retour en France, des bourses spéciales supérieures à celles généralement attribuées aux étudiants.

Le rapport sera imprimé sous le n° 307 et distribué.

J'ai reçu de M. Hamon un rapport, fait au nom de la commission de l'intérieur et de la santé publique, sur la proposition de résolution de M. Hamon tendant à inviter le Gouvernement à prendre une ordonnance ayant pour objet de permettre aux collectivités locales de résilier les marchés et conventions qu'elles ont conclus.

Le rapport sera imprimé sous le n° 308 et distribué.

Personne ne demande la parole ?...

La séance est levée.

(La séance est levée à dix-neuf heures.)

Le Chef du service de la sténographie de l'Assemblée consultative provisoire,
CH. DE LA MORANDIÈRE.

Erratum

au compte rendu in extenso *de la séance du 14 février* 1945.

Page 87, 2e colonne, dernière ligne :

Au lieu de : « M. Le Besnerais aussi »,

Lire : « Quant à M. Le Besnerais, c'est moi-même qui ai pris la décision de lui retirer ses fonctions de directeur général de la S. N. C. F. ».

Nominations de rapporteurs

INTÉRIEUR ET SANTÉ PUBLIQUE

M. Bernard Paumier a été nommé rapporteur de la proposition de résolution de MM. Bernard Paumier, Waldeck Rochet et Henri Mart tendant à inviter le Gouvernement à reviser les lois sur le fermage de septembre 1943 et à établir un juste statut du fermage, sur la base du projet de loi sur la propriété culturale, adopté par la Chambre des députés en 1937 (n° 176).

M. Laboureur a été nommé rapporteur de la proposition de résolution de M. Laboureur tendant à inviter le Gouvernement à réformer l'organisation du ministère du ravitaillement (n° 303).

ALSACE ET LORRAINE

M. Naegelen a été nommé rapporteur de la proposition de résolution de M. Justin Godart relative au crédit coopératif en Alsace et Lorraine (n° 188).

FINANCES

M. André Philip a été nommé rapporteur de la proposition de résolution de Mme Couette et plusieurs de ses collègues tendant à inviter le Gouvernement à prendre des mesures législatives propres à modifier le chapitre 3, de la loi du 14 avril 1924, pour étendre au conjoint, veuf d'une femme fonctionnaire mise à la retraite, le droit à une pension égale à 50 0/0 de la retraite d'ancienneté obtenue par la femme (n° 282).

INTÉRIEUR ET SANTÉ PUBLIQUE

M. Pierre Fayet a été nommé rapporteur de la proposition de résolution de M. Etienne Fajon et plusieurs de ses collègues tendant à inviter le Gouvernement à prendre les mesures législatives propres à donner un statut aux auxiliaires des administrations permanentes qui ne possèdent pas le nombre d'années leur permettant de prétendre à la titularisation (n° 239).

M. Pierre Fayet a été nommé rapporteur de la proposition de résolution de M. Etienne Fajon et plusieurs de ses collègues tendant à inviter le Gouvernement à prendre les mesures législatives propres à donner un statut aux auxiliaires des administrations provisoires (n° 240).

JEUNESSE ET SPORTS

M. René Thuillier a été nommé rapporteur de la proposition de résolution de M. Raymond Guyot et plusieurs de ses collègues tendant à inviter le Gouvernement à prendre les mesures nécessaires pour aider moralement et matériellement les services civiques de la jeunesse (n° 294).

PRISONNIERS ET DÉPORTÉS ET PENSIONS

M. René Laurin a été nommé rapporteur de la proposition de résolution de MM. Bugeaud, Dechartre, Gagnaire et Benet tendant à inviter le Gouvernement à attribuer aux étudiants, prisonniers de guerre ou déportés en Allemagne, à leur retour en France, des bourses spéciales, supérieures à celles généralement attribuées aux étudiants (n° 192).

QUESTIONS ECRITES

REMISES AU SECRETARIAT GENERAL LE 15 FEVRIER 1945

Application des articles 42 et 43 du règlement ainsi conçus :

« *Art. 42. — Tout membre de l'Assemblée peut poser au Gouvernement, par écrit et par l'intermédiaire du président de l'Assemblée, une question sur un sujet d'ordre particulier à laquelle il sera répondu par écrit, sauf si l'auteur de la question demande une réponse orale et si le Gouvernement l'accepte.*

« *Un délai minimum de trois jours devra s'écouler entre la question et la réponse.*

« *Art. 43. — Les questions écrites doivent être rédigées en termes concis ne dépassant pas dix lignes et ne contenant aucune imputation d'ordre personnel à l'égard de tiers nominativement désignés.*

« *Elles doivent être remises au secrétariat général de l'Assemblée qui les communique au Gouvernement dans les formes prévues à l'article 70 du règlement.*

« *Celles des questions pour lesquelles il n'est pas demandé de réponse orale sont insérées à la suite du compte rendu* in extenso*; elles y sont à nouveau insérées avec les réponses écrites faites par les ministres intéressés* ».

FINANCES

144. — 15 février 1945. — Mme Madeleine Braun expose à **M. le ministre des finances** que la législation actuelle ne prévoit pas l'indemnisation des victimes des dégradations immobilières et mobilières causées par les Allemands dans les locaux qu'ils occupaient; que c'est ainsi qu'une école dont l'installation intérieure fut totalement saccagée par les troupes ennemies qui y cantonnèrent ne

peut percevoir aucune indemnité; et lui demande s'il ne pense pas qu'il y aurait lieu de compléter les textes existants de façon à permettre l'indemnisation de cette catégorie de victimes de la guerre.

145. — 15 février 1945. — M. Hamon expose à **M. le ministre des finances** le cas d'un de ses camarades militant de la Résistance, mort pour la France, fusillé par la gestapo à l'âge de trente-trois ans, et qui, célibataire, lui-même pupille de la nation, laisse pour héritiers : sa mère (exemptée des droits de succession comme ayant élevé quatre enfants de plus de seize ans), sa sœur et son frère (ce dernier prisonnier de guerre), tous deux célibataires; et lui demande: 1° si dans ce cas (succession deux fois ouverte par mort au service du pays), il n'est pas possible d'étendre l'exemption des droits de succession au frère et à la sœur; 2° si, plus généralement, il n'est pas possible d'envisager l'exonération de tous droits de succession, quels que soient les héritiers, lorsque le *de cujus* est mort pour la France.

RÉPONSES DES MINISTRES
AUX QUESTIONS ECRITES

INTERIEUR

91. — M. Michel Zunino expose à **M. le ministre de l'intérieur** que les services du rationnement des villes délivrent tous les tickets imposés par les restrictions alimentaires: habillement, savon, pétrole, etc., et qu'il s'agit là d'un service d'Etat imposé à toutes les communes de France; que l'Etat ne participe à ces dépenses que dans une proportion insignifiante: 30 centimes par habitant dans les villes moyennes, soit environ 15 p. 100 de la dépense totale, qui s'élève à près de 600.000 francs pour une ville de 25.000 habitants; et demande si le tarif ne pourrait être revisé pour que la proportion soit inversée et que la part de l'Etat s'élève à 85 p. 100. (*Question du 6 février* 1945.)

Réponse. — L'insuffisance de la participation de l'Etat dans les dépenses de rationnement n'a pas échappé au ministre de l'intérieur, qui s'est efforcé à plusieurs reprises d'obtenir de son collègue des finances la majoration des subventions allouées à ce titre aux collectivités locales. C'est par son initiative que, par arrêté du 6 janvier 1945, les taux applicables aux subventions de l'Etat ont été relevés dans des proportions sensibles, ainsi qu'il résulte du barème ci-après:

	Taux actuels.	Nouveaux taux.
Communes de:	—	—
Moins de 2.000 habitants....	2	4
De 2.001 à 10.000 habitants.	2,50	6
De 10.001 à 50.000 habitants.	4	9
De 50.001 à 100.000 habitants.	5	14
Plus de 100.000 habitants...	7	19
Départements	0,35	0,60

L'état actuel des finances publiques ne permet pas d'escompter, en cours d'exercice, un nouveau relèvement des taux de subvention dont il s'agit.

FINANCES

40. — M. Justin Godart signale à **M. le ministre des finances** la situation difficile des commerçants et industriels dont les entreprises ou les locaux ont été requis par les Allemands et qui attendent le payement des indemnités pour remise en état des lieux qui leur sont dues par les ex-occupants; et lui demande où en est l'établissement de leurs droits auprès de son administration et à quelle époque on peut envisager qu'il sera possible de leur en payer le montant qui leur est indispensable pour la reprise de leurs affaires. (*Question du 13 décembre* 1944.)

Réponse. — Les préjudices de cette nature vont être assimilés à des dommages de guerre et recevoir le même traitement que ceux-ci. Le ministère de la reconstruction et de l'urbanisme devant être chargé par des textes en préparation du soin d'examiner et de liquider les dossiers de dommages de l'espèce, il conviendrait donc que les intéressés présentassent une demande d'indemnité au titre des dommages subis par eux au délégué départemental du ministère de la reconstruction.

ANNEXE AU PROCES-VERBAL
DE LA
séance du jeudi 15 février 1945.

SCRUTIN (N° 17)

Sur l'amendement de M. Deniau au chapitre 20 du budget des services des travaux publics et transports.

Nombre de votants.....	157
Majorité absolue.....	79
Pour l'adoption.....	142
Contre	15

L'Assemblée consultative provisoire a adopté.

Ont voté pour:

MM.
Emmanuel d'Astier de La Vigerie.
Mme Aubrac.
Jean-Fernand Audeguil.
Paul Aurange.
Vincent Auriol.
Antoine Avinin.
Jacques Baumel.
Albert Bayet.
Jacques Benet.
Joanny Berlioz.
Robert Bine.
Birlen.
Aristide Blank.
Maxime Blocq-Mascart.
Félix Boillot.
Florimond Bonte.
Bosman Van Wolput.
Paul Boulet.
Albert Bouzanquet.
Mme Braun.
Georges Bruguier.
Robert Bruyneel.
Marcel Cachin.
R. P. Anselme Carrière.
Maurice Chevance.
Georges Cogniot.
André Colin.
Pascal Copeau.
Joseph Costa.
Mme Couette.
Jacques Debû-Bridel.
Jean Dechartre.
Gaston Defferre.
Mme Defferre.
Marcel Degliame.
Pierre Degon.
Mme Delaunay.
Maurice Delom-Sorbé.
Roger Deniau.
Edouard Depreux.
Maurice Desétages.
Desmérroux.
Dordain.
Jacques Duclos.
Just Evrard.
Etienne Fajon.
René Fallas.
Jean Fauconnet.
Pierre Fayet.
Léopold Figuères.
Paul Fleurot.
Edouard Froment.
Etienne Gagnaire.
Pierre Gauthier.
Germinal.
Auguste Gillot.
Henri Gout.
Fernand Grenier.
Louis Gros.
Bernard de La Groudière.
Albert Guerin.
Pierre Guillery.
Raymond Guyot.
Hamon.
André Hauriou.
Pierre Hervé.
Paul Ihuel.
Georges Izard.
Alphonse Juge.
Maurice Kriegel.
Charles Laurent.
Léon Lauvray.
Jacques Lecompte-Boinet.
Robert Lecourt.
Mme Lefaucheux.
Jean Lepine.
André Le Troquer.
René Louis.
Pierre Malafosse.
René Malbrant.
Gaston Manent.
Marrane.
André Marty.
Robert Mauger.
Daniel Mayer.
Jean-Jacques Mayoux.
André Mercier.
Jean Meunier.
Pierre Meunier.
Jules Moch.
Gaston Monmousseau.
Maurice Montel.
Edmond Naegelen.
Pierre Neumeyer.
Louis Noguères.
Georges Oudard.
Ouradou.
André Pailleux.
Pierre Parent.
Bernard Paumier.
Mme Péri.
Perney.
Perrier.
Francis Perrin.
Eugène Petit.
André Philip.
R. P. Philippe.
Jean Pierre-Bloch.
Marcel Plaisant.
Marcel Poimbœuf.
Robert Prigent.
Jean Prontéau.
Mme Ramart.
Jacques Rebeyrol.
Henri Ribière.
Waldeck Rochet.
Jean-Louis Rolland.
Lucien Roubaud.
André Sainte-Lague.
Robert Salmon.
Maurice Schumann.
Schwob.
Henri Seignon.
Henry Sénès.
Philippe Serre.
Paul Simon.
Pierre Stibbe.
Jean Texcier.
Maurice Thorez.
René Thuillier.
Tollet.
Paul Tubert.
Paul Valentino.
Robert Verdier.
Mme Marianne Verger.
Paul Verneyras.
Philippe Viannay.
Michaël de Villèle.
Mme Viénot.
Jean de Vogüé.
Joseph Zaksas.
Zunino.

Ont voté contre:

MM.
Paul Anxionnaz.
Marcel Astier.
Paul Bastid.
Guy de Boissoudy.
Auguste Champetier de Ribes.
Chaumié.
Debidour.
Joseph Denais.
Gustave Eychene.
Heitler de Boislambert.
François Labrousse.
Pierre Lebon.
Marc Rucart.
Savary.
Steeg.

N'ont pas pris part au vote:

MM.
José Aboulker.
Paul Bacon.
Joseph Bastide.
André Baud.
Mohamed Bendjelloul.
Bergeron.
Jean Bourgoin.
Guy de Boysson.
Mme Brossolette.
Pierre Bugeaud.
Georges Buisson.
Casanova.
Jules Catoire.
De Chambrun.
Choisnel.
Paul Cuttoli.
Albert Darnal.
Dassonville.
Jean Debiesse.
Dupuy.
Forgues.
Benoit Frachon.
Francisque Gay.
Albert Gazier.
Roger Gervolino.
Jean Ginas.
Arthur Giovoni.
Justin Godart.
Maurice Guerin.
Jean Guiter.
André Honnorat.
André Isoré.
Alexis Jaubert.
Jean Jurgensen.
Maurice Kaouza.
Laboureur.
Joseph Laniel.
Pierre-Olivier Lapie.
René Laurin.
Albert Le Bail.
Joseph Lecacheux.
Marcel Lévêque.
Henri Maillot.
Louis Marin.
Martel.
Mazé.
Jean Mendiondou.
Monnerville.
Pascal Muselli.
André Mutter.
René Nicod.
Robert Nisse.
Etienne Nouveau.
Jean Odin.
Paul-Boncour.
Prouvé.
Arthur Ramette.
Auguste Rencurel.
Robert-Pimienta.
Camille Rolland.
Roucaute.
Emmanuel Roy.
Pierre Ruhlmann.
Mme Simard.
Gaston Thiébaut.
Jean-Jacques Urban.
Georges Vankemmel.
Alexandre Varenne.
Pierre Villon.
René Vivier.
Wallon.
Alexis Wiltzer.
Jules Wolff.
Delva Zivarattinam.

N'a pas pris part au vote

comme s'étant excusé de ne pouvoir assister à la séance:

M. Pierre Le Brun.

Absents par congé:

MM.
Raymond Blanc.
Laurent Bonnevay.
Robert Chambeiron.
Pierre Cot.
Ambroise Croizat.
Jean Dulac.
Ely Manel Fall.
Joseph Girot.
Georges Gorse.
Max Juvenal.
Peeters.
Louis Saillant.
Gaston Tessier.
Pierre Tremintin.

N'a pas pris part au vote:

M. Félix Gouin, président de l'Assemblée consultative provisoire, qui présidait la séance.

Les nombres annoncés en séance avaient été de:

Nombre de votants.....	157
Majorité absolue.....	84
Pour l'adoption.....	151
Contre	16

Mais, après vérification, ces nombres ont été rectifiés conformément à la liste de scrutin ci-dessus.

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JOURNAL OFFICIEL

DE LA RÉPUBLIQUE FRANÇAISE

DÉBATS DE L'ASSEMBLÉE CONSULTATIVE PROVISOIRE

COMPTE RENDU IN EXTENSO DES SÉANCES DE L'ASSEMBLÉE CONSULTATIVE PROVISOIRE
QUESTIONS ECRITES ET RÉPONSES DES MINISTRES A CES QUESTIONS

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JOINDRE LA DERNIÈRE BANDE aux renouvellements et réclamations | DIRECTION, RÉDACTION ET ADMINISTRATION QUAI VOLTAIRE, N° 31, PARIS 7e | POUR LES CHANGEMENTS D'ADRESSE AJOUTER 2 FRANCS

1re SESSION ORDINAIRE DE 1945

Séance du Mardi 20 Février 1945.

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14. — Dépôt de rapports

PRESIDENCE DE M. FELIX GOUIN

La séance est ouverte à quinze heures.

— 1 —

PROCES-VERBAL

M. le président. Le procès-verbal de la séance du jeudi 15 février a été affiché et distribué.

Il n'y a pas d'observation ?...

Le procès-verbal est adopté.

— 2 —

EXCUSES ET CONGE

M. le président. M. Louis Marin s'excuse de ne pouvoir assister à la séance de ce jour ni à celle de demain.

M. Darnal s'excuse de ne pouvoir assister à la séance de ce jour et demande un congé.

Il n'y a pas d'opposition ?...

Le congé est accordé.

— 3 —

DEPOT D'UNE DEMANDE D'AVIS
(Déclaration de l'urgence.)

M. le président. J'ai reçu, le 17 février, de M. le ministre de l'intérieur, avec déclaration d'urgence selon la procédure prévue par l'article 20 de l'ordonnance du 11 octobre 1944, une demande d'avis sur le régime électoral provisoirement applicable au conseil municipal de Paris et au conseil général de la Seine.

La demande d'avis sera imprimée sous le n° 312, distribuée et, s'il n'y a pas d'opposition, renvoyée à la commission de la réforme de l'Etat et de législation et à la commission de l'intérieur et de la santé publique. (*Assentiment.*)

Je rappelle qu'en vertu de l'article 20 de l'ordonnance du 11 octobre 1944, lorsque l'urgence est déclarée par le Gouvernement, si l'Assemblée ne formule pas son avis dans le délai de dix jours à compter de cette déclaration, le Gouvernement peut statuer sans plus attendre.

Je prie donc les commissions compétentes de se réunir et de déposer leurs rapports le plus tôt possible, de façon à permettre à l'Assemblée de se prononcer dans le délai prévu.

— 4 —

DEPOT DE PROPOSITIONS DE RESOLUTION

M. le président. J'ai reçu de M. Choisnel et de plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement à compléter les articles 9 et 10 de l'ordonnance du 26 août 1944 instituant l'indignité nationale.

La proposition de résolution sera imprimée sous le n° 311, distribuée et, s'il n'y a pas d'opposition, renvoyée à la commission de la réforme de l'Etat et de législation. (*Assentiment.*)

J'ai reçu de M. André Mercier et de plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement provisoire de la République française à reconnaître la qualité de salariés au personnel des services domestiques, en lui accordant le bénéfice de toutes les lois sociales, codifiées ou non, et en le soumettant aux juridictions compétentes en vertu de cette reconnaissance.

La proposition de résolution sera imprimée sous le n° 313, distribuée et, s'il n'y a pas d'opposition, renvoyée à la commission du travail et des affaires sociales (*Assentiment.*)

— 5 —

COMMISSION DE L'INTERIEUR ET DE LA SANTE PUBLIQUE

(Nomination d'un membre.)

M. le président. L'ordre du jour appelle la nomination, par suite de vacance, d'un membre de la commission de l'intérieur et de la santé publique.

Conformément à l'article 12 du règlement, cette candidature a été insérée à la suite du compte rendu *in extenso* de la séance du 13 février.

Les délais prévus par l'article 12 du règlement sont expirés.

Le secrétariat général n'a reçu aucune opposition.

En conséquence, je déclare cette candidature validée.

Je proclame donc M. Maurice Kaouza membre de la commission de l'intérieur et de la santé publique.

— 6 —

COMMISSION DE SURVEILLANCE DE LA CAISSE DES DEPOTS ET CONSIGNATIONS

(Nomination de trois membres.)

M. le président. L'ordre du jour appelle la nomination de trois membre de la commission de surveillance de la Caisse des dépôts et consignations.

Dans la séance du 6 février dernier, j'ai donné connaissance à l'Assemblée de la demande de désignation présentée par M. le ministre des finances.

Conformément à l'article 12 du règlement, dont l'Assemblée a décidé de faire application, les noms des trois candidats présentés par la commission des finances ont été publiés à la suite du compte rendu *in extenso* de la séance du 13 février.

Les délais prévus par l'article 12 du règlement sont expirés.

Le secrétariat général n'a reçu aucune opposition.

En conséquence, je déclare ces candidatures validées et je proclame MM. Antoine Avinin, Chaumié et Joseph Denais, membres de la commission de surveillance de la Caisse des dépôts et consignations.

Avis en sera donné à M. le ministre des finances.

— 7 —

COMMISSION DE CONTROLE DE LA CIRCULATION MONETAIRE

(Nomination de deux membres.)

M. le président. L'ordre du jour appelle la nomination de deux membres de la commission de contrôle de la circulation monétaire.

Dans la séance du 7 février dernier, j'ai donné connaissance à l'Assemblée de la demande de désignation présentée par M. le ministre des finances.

Conformément à l'article 12 du règlement, dont l'Assemblée a décidé de faire application, les noms des deux candidats présentés par la commission des finances ont été publiés à la suite du compte rendu *in extenso* de la séance du 13 février.

Les délais prévus par l'article 12 du règlement sont expirés.

Le secrétariat général n'a reçu aucune opposition.

En conséquence, je déclare ces candidatures validées et je proclame MM. Robert Chambeiron et Joseph Denais membres de la commission de contrôle de la circulation monétaire.

Avis en sera donné à M. le ministre des finances.

— 8 —

QUESTIONS ECRITES

(Réponses d'un ministre.)

Agriculture

M. le président. L'ordre du jour appelle les réponses de M. le ministre de l'agriculture à trois questions écrites:

M. Bernard Paumier expose à M. le ministre de l'agriculture que, dans la région du centre, des viticulteurs sont contraints de jeter leur marc, car quelques distilleries manquent de charbon et que, d'autre part, le prix de revient du litre d'eau-de-vie de 50 degrés est plus cher que le prix de vente, ce qui fait que les vignerons ne livrent pas leur marc à la distillerie, et lui demande comment il entend remédier à cet état de fait déplorable. (Question n° 30.)

La parole est à M. le ministre de l'agriculture.

M. Tanguy-Prigent, *ministre de l'agriculture.* Mesdames, messieurs, en réponse à la question posée par M. Bernard Paumier, je dois faire connaître qu'en effet il nous a été impossible, en raison des difficultés de transport et du jeu des priorités, de fournir du charbon aux distillateurs.

Il est également exact que l'obligation où se trouvaient dès lors les distillateurs d'avoir recours à des combustibles tels que le bois, qui coûte fort cher, a augmenté considérablement le prix de revient du litre d'alcool.

Le Gouvernement a étudié cette question et il a décidé — c'est une décision toute récente de M. le ministre des finances — de donner satisfaction à la demande d'augmentation du prix de l'alcool pris en charge par l'Etat, en portant le prix de l'hectolitre de 1.450 fr. à 2.550 fr., ce nouveau chiffre permettant de faire face aux frais accrus de la production.

D'autre part, les viticulteurs ont été exonérés de l'obligation qui leur était faite jusqu'ici, par le code de la viticulture, de fournir une certaine quantité d'alcool provenant de la distillation des marcs et des lies.

M. le président. La parole est à M. Paumier.

M. Bernard Paumier. Je prends acte de la déclaration de M. le ministre de l'agriculture selon laquelle, d'accord avec son collègue M. le ministre des finances, il entend augmenter le prix de l'alcool de marc. Il y a urgence à le faire...

M. le ministre de l'agriculture. C'est chose faite.

M. Bernard Paumier ... car, dans ma région comme dans beaucoup d'autres, la distillation des marcs par les viticulteurs est maintenant fort avancée.

Je pense que l'augmentation du prix de l'alcool sera également appliquée aux viticulteurs qui ont déjà fait distiller. Il en est d'autres qui, fait assez singulier, ont jeté leur marc après l'avoir longtemps conservé, car le prix de l'eau-de-vie ne couvrait pas les frais de distillation.

Voici, entre autres, la lettre que m'a écrite un viticulteur:

« Nous ne comprenons pas pourquoi l'Etat n'est acquéreur de nos alcools qu'au prix de 7 fr. le litre, selon le degré, alors que les contributions indirectes, qui sont des services d'Etat, évaluent le prix de vente du même litre à 100 fr. pour le calcul de la taxe à la production. »

Mon correspondant ajoute, et sa conclusion est la mienne:

« Il ne faudra pas s'étonner si des quantités notables de marc de raisin sont dirigées directement sur les vignobles comme engrais, sans passer par l'alambic. A-t-on besoin d'alcool, oui ou non ? »

Telle est ma première remarque.

Nous savons que la viticulture, comme d'autres industries, souffre du manque de charbon. L'observation vaut d'ailleurs pour l'agriculture en général et je conçois qu'il n'ait pas été possible à M. le ministre de l'agriculture d'assurer l'alimentation en combustible de nos distilleries puisque toute l'industrie française souffre de la même pénurie.

M. le ministre de l'agriculture. Je n'ai pas dit, monsieur Paumier, qu'une décision allait être prise touchant l'augmentation du prix de l'alcool. La décision est prise.

M. Robert Mauger. Elle a été prise il y a huit jours déjà.

M. Bernard Paumier. Cette déclaration me donne satisfaction.

M. le président. M. Bernard Paumier expose à M. le ministre de l'agriculture que les ensemencements en blé ont continuellement diminué depuis 1913 et, notamment, par rapport à l'année dernière, de 30 p. 100 environ pour les blés d'hiver; que, dans ces conditions, il conviendrait de permettre un ensemencement massif en blé de printemps; mais qu'il semble que les semences font défaut dans de nombreux cas; et lui demande quelles dispositions il compte prendre pour accorder des semences aux cultivateurs désireux d'ensemencer en blés de printemps. (Question n° 31.)

La parole est à monsieur le ministre de l'agriculture.

M. le ministre de l'agriculture. Mesdames, messieurs, cette question est très importante et je puis dire qu'elle fut même angoissante à certain moment. Aujourd'hui, je suis heureux de pouvoir déclarer qu'elle s'améliore sensiblement en raison du retour du beau temps.

Il est exact que les superficies ensemencées en blé sont en régression constante et d'une façon à peu près régulière depuis 1913. On peut à ce sujet citer deux chiffres.

En 1925, il y avait en France 5.489.230 hectares ensemencés en blé. En 1944, cette superficie n'était plus que de 4.083.000 hectares. Je précise que la diminution a été à peu près régulière.

Cette année, la situation est encore plus mauvaise. En effet, en raison du manque de main-d'œuvre, de cavalerie et de carburant, à cause aussi des pluies prolon-

gées de décembre, puis du gel et de la neige, les ensemencements d'hiver ont été déficitaires. Je peux même dire qu'on n'a pas pu ensemencer beaucoup plus de la moitié des terrains prévus pour les blés d'hiver. En ce moment, ces superficies atteignent à peine 2.700.000 hectares.

Nous pourrons rattraper en grande partie le temps perdu et ensemencer une bonne partie de ces terrains en raison du retour du beau temps et de la possibilité de semer utilement et efficacement en février des blés alternatifs.

Il est fort heureux que la saison soit aussi propice; sinon, nous aurions dû semer des blés de printemps pour lesquels, malheureusement, les semences font défaut. Néanmoins, nous faisons un effort en ce sens, car il restera tout de même des superficies importantes qui n'auront pu être ensemencées ni en blé ordinaire ni en blé alternatif et qu'il faudra, dans l'intérêt de toute la nation, ensemencer en blé de printemps.

Nous recensons donc toutes les disponibilités en blé de semence de printemps que nous possédons en Afrique du Nord. Elles sont, hélas! très maigres.

D'autre part, nous avons obtenu du Canada l'envoi de 300.000 quintaux de blé de semence de printemps; ce stock est en route; nous espérons fermement le recevoir à temps.

Enfin, nous pensons que l'Angleterre pourra nous fournir la même quantité, soit 300.000 quintaux, de blé de semence. Je peux donc conclure que la situation s'est notablement améliorée durant ces dernières semaines puisque, d'une part, nous avons la certitude d'obtenir des semences de blé de printemps et que, d'autre part, nous pourrons utiliser à plein le mois de février pour semer des blés alternatifs. Nous serons aidés dans cet effort par le fait que nous avons pu accorder aux régions de grosse culture un supplément de carburant. Nous avons, en effet, obtenu un contingent supplémentaire d'essence et de gas oil qui nous permettra d'intensifier les travaux d'ensemencement durant le mois en cours.

En ce qui concerne la main-d'œuvre, nous avons engagé des pourparlers avec nos alliés et avec les services du ministère de la guerre, afin d'être autorisés à employer, aux travaux des champs, des prisonniers allemands.

Nous avons éprouvé quelques difficultés qui tenaient à l'encadrement de ces prisonniers. Aujourd'hui, en collaboration avec M. le ministre du travail et M. le ministre de la guerre, nous sommes en bonne voie pour les résoudre de façon heureuse; nous pouvons donc espérer que, très prochainement — car c'est une question vraiment urgente — nous pourrons mettre à la disposition des cultivateurs la main-d'œuvre qui leur faisait défaut.

M. le président. La parole est à M. Paumier.

M. Bernard Paumier. Ainsi que le faisait remarquer M. le ministre de l'agriculture, la situation des emblavements d'hiver et de printemps n'est pas réjouissante: nous constatons une diminution graduelle des ensemencements en blé et en céréales panifiables et, cette année particulièrement, elle est encore plus sensible.

Pour pallier le manque de blé, qui sera sans doute trop important pour nous permettre d'opérer la soudure, nous serons dans l'obligation d'amener des semences de l'extérieur et de faire appel à l'importation. La mesure a été envisagée lors d'une récente séance de l'office national interprofessionnel des céréales.

Voilà une situation fort délicate pour un pays qui produisait autrefois assez de blé pour nourrir toute sa population.

Ce ne sont d'ailleurs pas seulement les semences de blé qui manquent. C'est un paradoxe assez curieux de voir, dans un département comme la Somme, des agriculteurs manquer de semences d'avoine. Voici les doléances de l'un d'eux.

« J'ai 27 journaux d'avoine... » — le journal est une mesure linéaire spéciale à cette région — « ...à ensemencer. Mes terres sont prêtes. J'ai donc fait des demandes afin d'obtenir un bon de déblocage d'avoine de semence. N'ayant jamais obtenu de réponse, se suis allé à Amiens, au boulevard Marignan-la-Rivière, m'adresser au directeur des services agricoles. Ce bon m'a été refusé. Que dois-je faire ? »

Nous avons affaire là, sans doute, à une administration départementale qui est loin d'être à la hauteur de sa tâche, puisqu'elle ne donne pas aux agriculteurs les moyens nécessaires pour produire aussi bien l'avoine destinée à la cavalerie que le blé indispensable à la nourriture humaine.

Je suis donc fondé à dire que la situation est grave.

M. le président. M. Bernard Paumier expose à M. le ministre de l'agriculture que, d'après certains renseignements, il apparaît que les potasses et les phosphates feront totalement défaut et qu'un déblocage d'azote égal à 50 p. 100 des livraisons de la campagne 1944 viendra seulement en 1945 apporter à nos terres fatiguées une maigre dose d'engrais dans l'attente d'une amélioration imprévisible avant la fin des hostilités; que les mines domaniales de potasse d'Alsace sont libérées et ont recouvré leur ancien statut de par une ordonnance, publiée au *Journal officiel* du 24 janvier 1945; que, depuis plusieurs mois, nous disposons de phosphates africains; et demande ce que comptent faire les pouvoirs publics pour améliorer l'approvisionnement du pays en engrais et en assurer une meilleure répartition. (Question n° 32.)

La parole est à M. le ministre de l'agriculture.

M. le ministre de l'agriculture. La situation du marché des engrais n'est peut-être pas tout à fait aussi grave que l'indique M. Paumier. Néanmoins, pour des raisons diverses que je vais exposer à l'Assemblée, elle n'est évidemment pas bonne.

La production intérieure des engrais azotés est en baisse particulièrement sensible dans le groupe des usines de la région du Nord, par suite du manque de coke. Au surplus, une partie de la production est destinée aux poudreries.

Alors qu'avant la guerre, la fabrication française d'azote s'établissait en moyenne à 14.500 tonnes par mois, elle n'atteint plus actuellement que 3.500 tonnes environ. Pour pallier ce déficit, l'importation de 50.000 tonnes d'azote a été demandée dès la libération. Elle n'a pas encore reçu de commencement d'exécution. Je crois que celui-ci est imminent.

En ce qui concerne les engrais phosphatés, les stocks de phosphates africains sont pratiquement épuisés dans la métropole. Un programme d'importation de 400.000 tonnes de phosphates de l'Afrique du Nord a été agréé par le comité des engrais de Washington. Ce programme prévoit également la fourniture des pyrites nécessaires à la fabrication de l'acide sulfurique utilisé pour la solubilisation de l'acide phosphorique de ces phosphates. Aucun arrivage n'a été signalé jusqu'au 10 février; mais nous pensons que le commencement de l'exécution de ce programme d'importation est également imminent.

En ce qui touche les scories Thomas, seules les aciéries du Nord tournent actuellement et leur production est absorbée intégralement par l'agriculture régionale.

Pour les engrais potassiques, la libération du bassin potassique alsacien étant toute récente, les milieux compétents ne possèdent encore aucun renseignement sur la situation des installations minières.

Il est probable qu'un stock assez élevé de sels potassiques existe sur le carreau des mines. Sa mise en répartition aura lieu dès que son importance aura pu être déterminée, par conséquent dans un délai qui maintenant peut être très court.

Pour les engrais composés, compte tenu des matières premières dont les usines sont à peu près assurées de disposer, les prévisions de fabrication s'élèvent à environ 100.000 tonnes pour la campagne en cours.

En résumé, à la cadence actuelle de production de l'industrie française, les besoins de l'agriculture ne seront couverts qu'à concurrence de 25 p. 100 pour l'azote et de 10 p. 100 pour les engrais composés. L'approvisionnement était nul, jusqu'à présent, en engrais phosphatés et en engrais potassiques et une amélioration de ces situations est subordonnée, comme je viens de le dire, à la remise en exploitation des mines de potasse d'Alsace, à la réalisation du programme d'importation qui va commencer à entrer dans la voie de l'exécution et aussi, comme toujours, aux fournitures de charbon à l'industrie de l'azote.

Elle est subordonnée en outre à la reprise des transports par fer, à la condition qu'une priorité réelle soit accordée aux expéditions d'engrais.

A ce sujet, hier, au comité économique, je me suis mis d'accord avec M. René Mayer pour que, dans toute la mesure du possible, pendant la période, assez limitée en somme, de mise en place des engrais, une priorité exceptionnelle soit accordée pour leur transport.

M. le président. La parole est à M. Paumier.

M. Bernard Paumier. Au sujet de cette troisième et dernière question, je me permettrai de faire trois remarques.

La première est que les chiffres cités dans ma demande n'émanaient pas de moi-même. Je les avais extraits d'un numéro du journal *Le Fermier* que j'ai sous les yeux. Il se peut que ce journal ait exagéré dans le sens indiqué par M. le ministre. En ce qui me concerne, je n'ai fait que reprendre les citations d'un journaliste.

Ma deuxième remarque concerne la réorganisation de l'usine d'azote de Toulouse et des mines de potasse d'Alsace. Nous avons constaté avec plaisir que, par des ordonnances parues au *Journal officiel*, les conseils d'administration avaient été remaniés. Certes, les agriculteurs y ont leur place; mais nous souhaiterions que les agriculteurs appelés à siéger dans ces conseils d'administration fussent désignés par leurs pairs et même par la Confédération générale de l'agriculture et non par une administration qui paraît les choisir au petit bonheur.

Ma troisième remarque est relative à la production d'engrais. Il est évidemment

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nécessaire de se hâter d'approvisionner les usines en charbon. Il convient de dire aussi que 8.500 tonnes de sulfate d'ammoniaque et 10.000 tonnes d'ammonitre encombraient fin décembre les silos de l'usine de Toulouse, au point que la production allait être gênée faute de place pour le stockage.

Telles sont les trois remarques que j'avais à faire concernant la question que j'ai posée à M. le ministre de l'agriculture.

— 9 —

BUDGET DES SERVICES CIVILS POUR L'EXERCICE 1945

(Suite de la discussion.)

M. le président. L'ordre du jour appelle la suite de la discussion de l'avis sur le projet d'ordonnance portant fixation du budget des services civils pour l'exercice 1945.

Justice (*suite*).

M. le président. Dans sa séance de jeudi dernier, l'Assemblée a commencé l'examen du budget de la justice.

Dans la discussion générale, la parole est à M. le garde des sceaux, ministre de la justice.

M. François de Menthon, *garde des sceaux, ministre de la justice.* Mesdames, messieurs, je pense répondre au vœu de votre Assemblée en exposant d'abord, très largement, les principales activités de mon département au cours des cinq mois écoulés depuis la libération, sans rien lui cacher des difficultés rencontrées ni des obstacles qui restent à vaincre, et en indiquant les directions dans lesquelles j'ai l'intention de porter mon effort.

Comme chacun de mes collègues du Gouvernement, je me suis trouvé, au lendemain de la libération, devant deux catégories de tâches également urgentes et qu'il convenait, non pas d'accomplir successivement, mais de mener de front. Il nous fallait, d'une part, procéder à la liquidation rapide, certes, mais plus encore complète et définitive, du passé vichyssois et entreprendre, d'autre part, sans attendre un jour, la grande œuvre de renouvellement et de réforme profonde de nos institutions.

Dans l'un et l'autre de ces champs d'action, la liquidation du passé vichyssois et l'apport des premières pierres aux chantiers de la construction de demain, j'ai plus que jamais la certitude que le moyen d'opérer vite, complètement et définitivement, dans le domaine de la justice, qui est vraiment l'un des plus graves et des plus solennels de la politique des peuples, et de ne rien craindre des jugements de l'histoire, à travers les remous inévitables d'une opinion vite changeante, était d'agir sans précipitation désordonnée, avec une volonté obstinée et selon les principes traditionnels de la République.

La liquidation du passé vichyssois s'applique aux personnes et aux institutions. Quant aux personnes, cette liquidation a pris le nom symbolique d'épuration, traduisant la volonté unanime de la nation de se purifier des hontes de Vichy en rejetant de son sein ou tout au moins de ses cadres les responsables d'une politique de trahison et tous ceux qui s'y sont délibérément associés.

Cette épuration, moralement et politiquement indispensable pour que la France redevienne elle-même, pour qu'elle puisse reprendre confiance en ses destinées et en sa vocation, n'est en aucune façon, comme certains l'ont bassement insinué, une revanche partisane ou une œuvre de vengeance. Elle est une œuvre de stricte justice, de moralité supérieure et aussi de défense politique.

Elle est politiquement la condition de la poursuite de la guerre avec le maximum d'efficacité. Elle est aussi la préface nécessaire au concours de la nation tout entière à l'édification d'une cité nouvelle.

C'est dans cet esprit que le Gouvernement, dès Alger, avait fixé sa politique; c'est dans cet esprit qu'il la poursuit depuis la libération.

Cette politique d'épuration comporte donc deux aspects: la répression des faits de trahison et l'épuration proprement dite.

En matière de répression, vous connaissez la situation dans laquelle nous nous sommes trouvés au début de septembre: un très grand nombre de personnes, sans doute environ 100.000, arrêtées un peu partout comme suspectes, sans qu'aucun commencement de dossier n'ait pu être constitué sur elles; 15.000 environ, parmi les individus les plus coupables, partis pour l'Allemagne dans les fourgons de l'ennemi; 100.000 noms inscrits, à tort ou à raison, sur les listes des groupements antinationaux. En dehors des 100.000 arrêtés, des 15.000 partis pour l'Allemagne et des 100.000 inscrits sur des listes de trahison, des dizaines de milliers d'autres, suspectés à tort ou à raison dans leur quartier, leur village, leur profession.

Voilà le point de départ du travail de triage et de l'œuvre de justice auxquels le Gouvernement devait faire face et auxquels allaient s'appliquer, d'une part, le ministère de l'intérieur, en ce qui concerne le triage, grâce à des enquêtes de police, des individus arrêtés et des individus suspects, d'autre part, le département de la justice, pour assurer le jugement des personnes qui seraient déférées aux tribunaux.

Je ne reviendrai pas en détail sur le choix initial des méthodes opéré par le Gouvernement: décision de traduire les inculpés, après une instruction régulière conduite par un magistrat, devant un jury de résistants; sauvegarde de tous les droits essentiels de la défense; maintien du pourvoi en cassation et du recours en grâce.

Mis en face de cette réalité, de ce choix initial des méthodes, nous avons dû procéder à la mise en place d'une énorme machine judiciaire, que l'on peut dire sans précédent aucun dans notre vie nationale.

Où en sommes-nous aujourd'hui de cette mise en place ?

125 sections ou sous-sections de cours de justice, une centaine de chambres civiques, sont constituées. Au 1er janvier, 713 magistrats, soit le tiers de l'effectif judiciaire existant, étaient affectés aux cours de justice. A Paris seul, on comptait 17 sous-sections de la cour de justice et 8 chambres civiques, la section de la cour de justice de la Seine disposant de 152 magistrats, dont 72 commissaires du Gouvernement et 62 juges d'instruction.

Cette mise en place, évidemment, n'a pu être obtenue sans la mise en œuvre de moyens assez exceptionnels, par suite des vides importants existant dans le personnel de la magistrature: plus du quart du personnel absent du fait des suspensions, des vacances d'emplois, de l'existence des mobilisés, déportés et prisonniers.

A ce personnel restreint d'un quart sur la normale, il a fallu imposer une tâche nouvelle d'une ampleur exceptionnelle. Nous y sommes parvenus en supprimant des chambres de tribunaux, des chambres de cours d'appel, en rattachant 75 tribunaux à d'autres tribunaux.

Les réintégrations, les nominations d'avocats, un concours d'entrée nous ont fourni un appoint.

Ce n'était qu'une première étape. L'effort continue pour mettre le millier de magistrats nécessaires à la disposition des cours de justice.

Trois moyens nouveaux sont mis en œuvre: l'institution du juge unique; l'extension des fonctions de juge d'instruction désormais conférées à des juges de paix; la dispense du ministère public dans la plupart des audiences civiles.

Quels sont actuellement les résultats obtenus ?

Au 1er décembre, 19.500 affaires étaient à l'instruction; au 1er janvier, 29.000; au 1er février, 31.600. Au 1er février, les parquets des cours de justice avaient été saisis de 48.600 affaires. 11.000 avaient été réglées au 1er janvier; 17.000 au 1er février, dont 6.000 par renvoi devant les cours de justice, 3.500 par renvoi devant les chambres civiques et 7.500 par classement.

Au 1er janvier, 4.000 affaires avaient été jugées; au 1er février, 6.000; au 18 février, 7.053. Et sur le total, 574 condamnations à mort avaient été prononcées.

Pour se faire une idée exacte de la répression conduite depuis la libération, il faut ajouter à ces chiffres environ 2.000 condamnations intervenues devant les tribunaux militaires pour des faits antérieurs à la libération; et l'on arrive ainsi approximativement au chiffre de 9.000 personnes jugées, dont 1.500 ont été condamnées à mort.

Il est possible, maintenant, d'établir des prévisions au moins approchées. L'afflux des affaires aux parquets des cours de justice, qui a été croissant jusqu'à la fin de décembre, va maintenant en diminuant. Il est lié au travail des commissions de triage constituées par le ministère de l'intérieur, travail qui est en voie d'achèvement.

On peut prévoir que les parquets des cours de justice auront été saisis d'un total de 60.000 affaires. Le nombre de celles-ci, après avoir progressé constamment, pour atteindre un maximum de 33.000 environ dans la première quinzaine de février, commence à diminuer. Au rythme actuel de 7.000 affaires étudiées chaque mois par les parquets des cours de justice, la moitié des dossiers seront liquidés au 1er avril, la quasi totalité au 1er août.

Mais il s'agit là d'une évaluation établie d'après les chiffres actuels; or le rythme du travail sera accéléré, de telle sorte qu'on peut prévoir que la moitié des affaires auront été jugées au 1er avril, et la quasi totalité au 1er août.

Nous pouvons aussi faire, dès maintenant, des prévisions géographiques. Dans un grand nombre de départements, en effet, le fonctionnement des cours de justice étant terminé à partir du 1er mai, il sera possible, à ce moment, de reporter sur les cours de justice surchargées un supplément de personnel qui permettra de hâter le règlement des affaires.

Parmi ces cours de justice surchargées figure celle du département de la Seine: 8.000 affaires y sont actuellement à l'instruction, soit le quart de l'ensemble des dossiers d'instruction dans la France entière. La répartition en est faite dans deux catégories: les affaires politiques sont

traitées rue Boissy-d'Anglas, les affaires économiques rue Rabelais.

Pour les premières, il n'y a pas de difficultés notables à prévoir. Actuellement, 30 à 50 affaires sont communiquées chaque jour; tout doit être terminé pour le 1er juillet.

Les affaires économiques créent une situation plus difficile: 1.200 informations ont été ouvertes, et l'instruction est ici nécessairement plus longue; un délai supplémentaire sera indispensable.

Des prévisions ont été également établies selon les catégories d'affaires. Dès l'institution des cours de justice, j'avais donné un ordre de priorité, d'une part, aux affaires les plus graves, d'autre part, à celles ne paraissant comporter aucune charge fondée, en remettant à plus tard l'examen des affaires moyennes. Ainsi, nous avons pu, à l'issue d'un récent conseil des ministres, rendant publiques les instructions qui, précédemment, avaient été données par mon département ministériel, annoncer que toutes les affaires les plus graves devaient être réglées pour le 1er mai.

A ce bilan d'ensemble de l'activité des cours de justice j'ajouterai que tout a été fait et que tout sera encore mis en œuvre pour accélérer au maximum l'œuvre de répression.

En dehors de la compétence des 125 cours de justice, nous avons décidé de déférer à une Haute Cour de justice les procès proprement politiques, ceux de Pétain et de ses ministres, des secrétaires généraux, des résidents généraux, des commissaires du pouvoir, des gouverneurs généraux des colonies.

Pourquoi ?

Etait-ce afin de leur réserver, je ne sais quel privilège de juridiction, en raison de fonctions que nous considérons comme ayant été usurpées ? En aucune façon; mais il s'agit de procès proprement politiques, où, donc, l'incrimination et la peine sont libres et laissées à la discrétion du jury. Et c'est pourquoi nous avons confié à l'Assemblée Consultative le soin de désigner les jurés qui auront à connaître de ces procès. Aussitôt que la liste de ces jurés sera devenue définitive, les audiences de la Haute Cour de justice pourront commencer, et tout me donne à croire que le rythme en sera assez rapide.

Je vous rappelle que la commission d'instruction de la Haute Cour de justice, où les membres désignés par l'Assemblée sont en majorité, a la possibilité et le rôle de conduire comme elle l'entend le déroulement des procès devant la haute juridiction. Pour notre part, nous ne pouvons que faciliter son travail; dans toute la mesure du possible, accélérer notamment l'envoi de tous dossiers par les divers ministères et mettre à sa disposition le personnel indispensable au travail de dépouillement et de classement.

Par ailleurs, le Gouvernement a institué, pour réprimer les faits de collaboration qui ne tomberaient pas directement sous le coup de nos lois pénales, le crime de l'indignité nationale. Ce concept de l'indignité nationale a été dégagé par les études menées, dans la clandestinité, par la Résistance. Il est constaté par des chambres civiques de même composition que les cours de justice.

Pour les chambres civiques, la difficulté, nous l'avouons franchement, ne fait que commencer. Jusqu'ici, elles ont pu juger au rythme des affaires qui leur étaient envoyées par le comité de libération, les autorités administratives ou les parquets des cours de justice. Mais le rythme des affaires va se précipiter. Les services de police vont envoyer aux chambres civiques une liste de 100.000 noms environ d'individus appartenant aux groupements antinationaux. Nous avons prévu, pour faire face à cet afflux d'affaires, une procédure accélérée qui permettra, sans préjuger le fond, de suspendre provisoirement de leurs droits électoraux les individus, ayant appartenu à des groupements antinationaux, qui seront traduits devant les chambres civiques. Les mesures pratiques sont prises dès maintenant par le ministre de l'intérieur et par moi-même pour que tous ces individus aient été suspendus, par voie de justice, de leur droit électoral au début d'avril et qu'ils soient, immédiatement après, rayés des listes électorales.

Par la suite, nous multiplierons les chambres civiques, en faisant passer le personnel des cours de justice à ces chambres, pour accélérer leur fonctionnement. Tout doit pouvoir être terminé vers le 1er août ou le 1er septembre.

Il est un quatrième aspect de la répression, sur lequel je veux donner des précisions : la confiscation des biens des traîtres. Nous l'avions prévue, dès l'origine, pour les condamnations prononcées par les cours de justice. Nous l'avions prévue ensuite, à titre facultatif, pour les condamnations prononcées par les chambres civiques. Tous les individus condamnés pour faits de collaboration, par une cour de justice ou une chambre civique, peuvent donc encourir la confiscation de leurs biens.

Cependant, il subsiste une fissure qui tient à notre notion traditionnelle de l'irresponsabilité pénale des personnes morales et notamment des sociétés. Une grande société qui a travaillé pour l'Allemagne se voit déclarée pénalement irresponsable. Une ordonnance, déposée devant le conseil des ministres, y remédiera prochainement.

Après ce tableau d'ensemble de l'œuvre de répression, je peux distinguer cinq ordres de critiques apportées à cette répression.

Les uns disent qu'on aurait dû tout régler en quelques semaines pour n'en plus parler. Une répression qui traîne crée, de part et d'autre, un malaise auquel il faut rapidement mettre fin.

Sans doute, en théorie, c'est exact, mais à qui est de bonne foi il est facile de répondre. Nous avions quatre années de collaboration, quatre années de trahison à lessiver, et pour cela nous n'avions pas de renseignements de police, ni aucune organisation judiciaire. (*Interruptions.*)

Dans ces conditions, pour faire œuvre de justice, c'est-à-dire pour connaître exactement et juger ensuite les responsabilités de chacun des coupables, personne ne peut nier que quels que soient la procédure adoptée et le tribunal choisi, des délais soient indispensables.

D'autres ajoutent que rien n'avait été préparé antérieurement à la libération, que ce gouvernement et spécialement son ministre de la justice, directement responsable, sont arrivés sans doctrine, sans dossiers, sans tribunaux prêts. Il a fallu une longue mise en train qui aurait dû et pu être évitée.

M. Fernand Grenier. Ce n'est pas ce qu'a dit M. Schumann, pendant des années, à la radio de Londres.

M. le garde des sceaux. Il est facile d'éclairer ces ignorants. (*Interruptions.*)

M. le président. Notre Assemblée est jeune, sans doute, mais elle a déjà ses traditions, dont celle de la courtoisie: personne ici n'y voudra manquer. (*Applaudissements.*)

M. le garde des sceaux. Le Gouvernement avait une doctrine de la répression, qui se résume en ces trois principes: répression selon les lois de la République, c'est-à-dire essentiellement selon les articles 75 et suivants du code pénal; répression confiée à des jurys de la Résistance; introduction dans notre code d'un nouveau crime: l'indignité nationale.

Le Gouvernement avait préparé la répression dans toute la mesure possible, c'est-à-dire que le commissaire à l'intérieur de l'époque et les services qui opéraient sur la France se sont préoccupés, comme c'était leur rôle, de constituer des dossiers, et que le commissaire à la justice de l'époque s'est préoccupé, comme c'était son rôle, de choisir les meilleurs magistrats pour les postes de commande.

D'autres personnes déclarent qu'il fallait juger d'abord et immédiatement les grands coupables. On aurait vu ensuite pour les « lampistes ».

Veuillez d'abord considérer que beaucoup de ceux qu'on appelle les grands coupables ne sont pas entre nos mains... (*Interruptions.*)

M. André Le Troquer. Il en reste encore quelques-uns.

M. le garde des sceaux. ...et qu'ensuite, parmi les « lampistes », il en est qui sont des agents directs de la Gestapo ou de petits dénonciateurs dont la culpabilité est affreuse. Certaines informations sont nécessairement longues, parce qu'elles ouvrent des pistes nombreuses et qu'il est indispensable de ne pas laisser indéfiniment en prison les internés dont la culpabilité est douteuse. Il faut donc instruire et juger de petites affaires en même temps que les affaires les plus graves.

On reproche aussi aux décisions des cours de justice d'être incohérentes, tantôt trop légères, tantôt trop lourdes, variables selon les départements et même les sections ou les sous-sections des cours de justice. Laissez-moi vous dire qu'on n'a le droit de juger d'une affaire que si l'on est en possession du dossier complet,... (*Mouvements divers.*)

M. Robert-Pimienta. Et l'affaire Albertini ?

M. le garde des sceaux. ...que, pour le même fait matériel, la culpabilité de deux individus peut être différente et qu'enfin, les jurys sont des groupes influençables, même lorsqu'il s'agit d'hommes choisis par les comités départementaux de libération.

Si le ministre de la justice a le devoir de faire rendre la justice avec les textes appropriés et dans les meilleures conditions, il ne la rend pas lui-même et les juges une fois choisis, quels qu'ils soient, sont indépendants et n'agissent que selon leur conscience.

Allons loyalement au fond de l'affaire. La libération achevée, l'autorité du Gouvernement rétablie, la loi républicaine restaurée, comment se présentait le problème politique du châtiment des traîtres et des collaborateurs ?

Nous avions le choix seulement entre une répression aveugle et rapide, qui n'aurait été qu'une parodie de justice, et la justice tout court, avec la lenteur qu'elle comporte inévitablement.

Que ceux qui auraient préféré la première méthode le disent franchement. Le

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Gouvernement, lui, a choisi la justice. Il a fait ce choix pour l'honneur de la France et de la République renaissantes et, j'ajoute, pour l'honneur de la Résistance. (*Applaudissements sur divers bancs.*)

Voilà pour le passé. Pour le présent, vidons ensemble l'abcès, aussi loyalement et aussi nettement. L'opinion publique — c'est manifeste — est partagée entre ceux qui, trouvant la répression trop lourde, déclarent pour cette raison qu'il faut en finir, et ceux qui s'indignent d'une répression insuffisante et trop lente.

M. Edouard Depreux. La proportion est de un contre cent.

M. le garde des sceaux. Le Gouvernement a l'intention d'accélérer au maximum la répression. Il a fait savoir notamment que les plus grosses affaires actuellement à l'instruction devaient être jugées avant le 1er mai. Le pays, en effet, doit savoir qu'il sortira bientôt de cette période pénible de liquidation de la honte, de la collaboration et de la trahison.

Mais plus encore que rapide, la justice se doit d'être totale. Il faut poursuivre tous les coupables; et aucun d'eux ne doit échapper à une juste condamnation. L'heure de l'indulgence viendra peut-être pour certains; mais il faut d'abord que la justice passe, que tout crime contre la nation soit condamné et sanctionné comme tel.

Il n'est pas de reconstitution nationale possible, au lendemain de quatre années de trahison et d'égarement, sans cette œuvre préalable de justice totale. Et je demande de nouveau à ceux qui ne partageraient pas ce sentiment, à ceux qui voudraient faire traîner la répression pour en exploiter le malaise (*Protestations sur divers bancs*), ou à ceux qui voudraient qu'on s'arrête, de le dire franchement.

M. Robert-Pimienta. Personne ne veut cela.

M. le garde des sceaux. Le Gouvernement a choisi pour une justice aussi rapide que possible, mais pour une justice qui reste la justice et qui soit totale.

J'en viens, messieurs, à l'épuration proprement dite.

En ce domaine également, le Gouvernement avait fixé sa doctrine et l'avait précisée en des textes législatifs afin d'exclure tout arbitraire.

Les critères de l'épuration avaient été nettement posés dans l'ordonnance du 27 juin 1944. Avoir favorisé les entreprises de l'ennemi, avoir entravé l'effort de guerre de la France et de ses alliés, avoir porté atteinte aux institutions constitutionnelles ou aux libertés publiques fondamentales; avoir sciemment tiré parti des règlements de Vichy, tels étaient les quatre critères précis. Le Gouvernement avait aussi posé ce principe: l'épuration se fait sous l'autorité de chaque ministre, responsable de son administration.

Vous savez que, dans la pratique, l'épuration s'opère après l'avis de commissions d'épuration formées en grande partie d'éléments de la Résistance. La procédure suivante avait été prévue: suspension immédiate d'un certain nombre de fonctionnaires, puis examen minutieux de l'affaire permettant à chacun de s'expliquer; et, enfin, prise d'une mesure définitive

Là encore, la politique du Gouvernement était bien fixée; épuration aussi rapide que possible, mais épuration sans arbitraire; et tous ceux d'entre vous qui siègent dans des commissions d'épuration savent bien que ce travail nécessite quelques délais.

Pour ce qui concerne mon département, dont je suis directement responsable, l'épuration regardant chaque ministre, je le répète, j'avais à épurer le conseil d'Etat, la magistrature, les officiers ministériels, l'administration pénitentiaire.

Pour le conseil d'Etat, l'épuration a été terminée le 20 décembre. Sur un effectif de 152 membres, 51, soit un sur trois, ont comparu devant la commission d'épuration. 36 membres, soit un sur quatre, ont été l'objet d'une sanction. 20 membres ont été révoqués, 5 mis à la retraite; une nomination a été annulée.

Dans la magistrature, 266 suspensions ont été prononcées, la plupart dès les premiers jours, sur un effectif total de 2.100, soit un sur huit. Les mesures actuellement prises — certaines non encore publiées d'ailleurs — ont frappé surtout au sommet: 12, parmi lesquels les 4 directeurs, sur 76, soit un sur six à l'administration centrale; 16 sur 65, soit un sur quatre, à la cour de cassation; 16 à la cour d'appel de Paris; 15 au tribunal de la Seine; 66 dans les cours d'appel de province, soit un sur six; 134 dans les tribunaux de première instance.

Aussitôt connus les avis de la commission d'épuration, nous statuons sur les mesures définitives.

Enfin, en ce qui concerne plus spécialement les magistrats ayant siégé ou requis dans les sections spéciales, je sais par expérience personnelle que beaucoup y ont servi la Résistance, non sans risques pour eux. Mais, pour que l'épuration ne puisse être suspectée, je fais établir un dossier complet de toutes les sections spéciales avec les noms de tous les magistrats, pour chaque affaire,...

M. Robert-Pimienta. Y compris M. Zambaux ?

M. le garde des sceaux. ...et une référence sur l'attitude de chacun de ces magistrats.

M. Monnerville. N'oubliez pas le tribunal de commerce de la Seine !

M. Edouard Depreux. Ni le parquet général de Toulouse.

M. le garde des sceaux. Un mot sur les avocats. (*Mouvements divers.*)

Nous n'avons pas voulu toucher à leurs franchises traditionnelles, de telle sorte que c'est au conseil de l'ordre qu'est confiée l'épuration des membres du barreau.

M. André Le Troquer. Est-ce qu'on le leur a dit ?

M. le garde des sceaux. On le leur a dit et répété. J'ai donné des instructions pour que les procureurs généraux utilisent les droits que leur donne l'acte dit loi du 26 juin 1941 pour saisir les conseils de l'ordre et, au cas où la plainte resterait sans suite, pour faire trancher l'affaire par la cour d'appel.

M. André Le Troquer. Nous aurions préféré un texte qui émanât de vous plutôt que du gouvernement Pétain.

M. le garde des sceaux. L'ordonnance qui règle la question est celle du mois d'octobre 1944, donc un texte du présent gouvernement.

M. André Le Troquer. Oui, mais vous rappelez un texte de 1941.

M. le garde des sceaux. La liquidation de l'œuvre de Vichy exigeait, d'autre part, des mesures de réparation.

Réintégrations, reclassements sont à ce jour terminés, à quelque trois ou quatre unités près. 97 réintégrations, 94 reclassements ont été opérés.

Tant que les postes n'étaient pas devenus vacants, nous ne pouvions faire que des nominations à titre provisoire. Mais, cette étape parcourue, les nominations à titre définitif interviennent, avec un reclassement qui tiendra compte des services rendus dans la Résistance.

L'œuvre de liquidation de Vichy a exigé également des mesures de réparation d'ordre pénal pour les condamnés politiques et des mesures de grâce ou d'allégement de peine en ce qui concerne les condamnés de droit commun.

Vous savez en effet que Vichy, bouleversant notre législation pénale, avait aggravé considérablement un grand nombre de peines. Nous avons cru nécessaire et conforme à l'esprit de la République de corriger ces lourdeurs dans la répression. Plus de 4.000 grâces ont été accordées en cinq mois, alors que le chiffre de toute l'année 1938 était de 2.067.

A cette large politique de grâces est venue s'ajouter une ordonnance d'amnistie parue ce matin même au *Journal officiel*.

Messieurs, je voudrais évoquer à grands traits l'œuvre constructive que nous avons abordée dès le premier jour, pensant qu'il fallait, sans plus attendre, quelles que soient les préoccupations aiguës de l'immédiat, entamer les grandes réformes dont tous reconnaissent la nécessité.

Sept commissions de réformes et d'études ont été instituées au ministère de la justice:

Commission de réforme du Conseil d'Etat, constituée, dès la libération, sous la présidence de M. le professeur Cassin, président du comité juridique et vice-président du Conseil d'Etat. Cette commission, qui a terminé ses travaux, a élaboré quatre projets d'ordonnance, actuellement soumis à l'Assemblée du Conseil d'Etat, et qui constitueraient une réforme d'ensemble associant beaucoup plus étroitement le Conseil d'Etat à l'activité administrative et législative du Gouvernement.

Une commission de réforme de l'organisation judiciaire fonctionne depuis novembre et est sur le point d'achever ses travaux. Un questionnaire d'enquête a été adressé dans tous les ressorts de cours d'appel; l'avis des facultés de droit sera demandé et je pense qu'un projet pourra être déposé dans un délai de deux mois.

Une commission de réforme de la procédure pénale travaille sous la présidence de M. Donnedieu de Vabre, professeur à la faculté de droit de Paris. Elle a pris pour base de ses travaux le projet de réforme du code d'instruction criminelle établi il y a quelques années par la commission Matter. Sur la base du code Matter, elle prépare elle-même des projets de textes. J'escompte l'achèvement de son travail dans un délai de deux ou trois mois.

La commission de réforme de la procédure civile, présidée par M. Rousselet, président du tribunal civil de la Seine, a pris pour base de son travail le rapport établi à Alger par la commission que j'avais constituée à cet effet. J'escompte la fin de ses travaux pour le mois de mai et la possibilité de déposer également tout de suite un projet d'ordonnance.

Une commission de réforme de l'administration pénitentiaire a commencé ses

travaux sous la présidence du bâtonnier Charpentier. Elle a mis à l'ordre du jour de ses premières délibérations l'étude des moyens permettant l'accomplissement de la peine des travaux forcés et de la relégation dans la métropole, car il est bien entendu que la transportation est définitivement supprimée. (*Applaudissements.*)

Mais, comme le rappelait vendredi votre rapporteur général, c'est l'ensemble de notre système pénitentiaire qu'il faut reconsidérer, l'ensemble de notre échelle de peines, en un mot notre conception même de la répression de la criminalité.

Une autre commission, présidée par M. le procureur général Mornet, est chargée de proposer la validation, la modification ou l'abrogation des actes dits lois de Vichy. Déjà, quelques textes sont déposés à cet égard.

Il existe encore une commission d'unification législative qui, sous la présidence de M. Monnier, conseiller à la cour de cassation, étudie les méthodes d'unification de la législation française et de la législation alsacienne et mosellane dans les domaines du droit civil, de la procédure civile et de l'administration. Il s'agit là d'un travail d'une immense ampleur; cette commission a, dès maintenant, élaboré des textes dont certains ont une importance qui n'est pas négligeable, comme celui qui a introduit en Alsace et en Moselle la procédure de référé.

Enfin, dès le mois de septembre dernier, nous avons constitué, sous la présidence de Mme Campinchi, une commission de réforme de la loi de 1912 sur l'enfance coupable. Les travaux de cette commission ont abouti à l'ordonnance du 2 février 1945 relative à l'enfance délinquante.

M. le rapporteur général soulignait, vendredi dernier, l'importance et la grandeur de l'œuvre à entreprendre en ce domaine. Cette œuvre est commencée et va se poursuivre. Sitôt acquis le vote du budget, un décret fixera le nouveau statut du personnel de l'éducation surveillée, personnel d'éducateurs spécialisés.

M. Marc Rucart. Ce sont les réformes de M. Léon Blum.

M. le garde des sceaux. Ce sont des réformes très heureusement entreprises par d'anciens gardes des sceaux qui sont ici présents: MM. Marc Rucart et Vincent Auriol.

M. Marc Rucart. Par le gouvernement de M. Léon Blum.

M. le garde des sceaux. Nous espérons parcourir bientôt une troisième étape, que l'Assemblée a l'autre jour applaudie: la création d'une direction de l'éducation surveillée, qui détacherait définitivement le pénitentiaire de la protection de l'enfance coupable.

Réforme des tribunaux pour enfants, statut des délégués à la liberté surveillée, constitution d'un cadre d'éducateurs spécialisés, création d'une direction autonome de l'éducation surveillée: ces premières réformes ne sont, évidemment, elles encore, qu'une préface. Il s'agira, à l'aide de ces instruments, de généraliser la réforme des maisons d'éducation, de créer des centres d'observation dans les grands centres régionaux, de créer, au siège de chaque tribunal départemental, des maisons d'accueil. Il s'agira aussi de resserrer le contrôle et, en même temps, d'améliorer les méthodes en spécialisant les œuvres privées qui s'occupent de l'enfance coupable.

Cette réforme s'opère naturellement en étroite coordination entre les trois ministères intéressés: santé publique, éducation nationale et notre propre ministère. A cet effet, un comité de coordination fonctionne dont le rôle ira en augmentant.

L'ensemble des problèmes juridiques qui concernent l'enfance est en cours de revision à la chancellerie, dans un souci de protection.

Législation de la déchéance de la puissance paternelle, garde des enfants en cas de divorce, législation sur l'adoption; autant de textes à reviser, toujours dans une pensée de protection de l'enfance.

Mesdames, messieurs, tels sont les chantiers sur lesquels nous essayons de poser les premières pierres des réformes à réaliser dans notre domaine.

Mais, l'œuvre essentielle du ministère de la justice, l'œuvre constructive qui doit, avant tout, nous solliciter, est celle de la reconstruction d'une magistrature indépendante et républicaine. Nous devons rendre à la magistrature la place éminente qui lui revient de soi dans une république. L'œuvre exigera un long et persévérant effort, mais son importance est primordiale pour l'avenir du régime.

Nous savons bien tous, démocrates, et démocrates de tradition française, que, si la police est la pierre angulaire d'une dictature, la justice est la pierre angulaire d'une république, telle que nous la concevons, dans le prolongement des droits de l'homme et du citoyen. Du respect dans la justice dépend le règne du droit, la majesté de la loi, comme la sauvegarde des droits individuels et des libertés fondamentales des citoyens.

Qu'il y ait une crise grave de la magistrature, que l'institution judiciaire elle-même soit sérieusement ébranlée après les quatre années du gouvernement de Vichy, qui le contesterait ? Nous serons d'accord aussi sur le but à atteindre. La République doit se donner une magistrature qui, loin de prendre figure d'une caste fermée, fasse étroitement corps avec la nation, qui soit intimement intégrée à son régime politique et social, qui participe à son évolution démocratique; une magistrature qui soit en même temps indépendante du pouvoir et des partis, à l'abri des caprices de l'opinion, des pressions locales et des influences politiques; une magistrature républicaine, une magistrature indépendante et, cela va de soi, une magistrature de qualité dont les techniques judiciaires seront revisées pour être mieux adaptées à notre époque et plus efficientes.

Pour atteindre ce triple but dans le délai le plus bref, nous nous sommes tracé les étapes suivantes: création d'une inspection générale de la magistrature, institution du juge unique, réintégration, épuration, reclassement, recrutement d'avocats, élimination d'éléments inaptes, revalorisation des traitements, rétablissement des garanties traditionnelles d'indépendance de la magistrature, réforme judiciaire et réforme de la procédure civile.

Une ordonnance du 6 novembre 1944 instituait une inspection générale de la magistrature. Son rôle, croyons-nous, en permettant un contact plus personnel entre la chancellerie et les magistrats, peut être considérable pour revaloriser l'ensemble du personnel judiciaire. J'escompte le même résultat du juge unique, question sur laquelle vous aurez à délibérer lorsque l'ensemble de la réforme judiciaire sera soumis à vos discussions, mais dont il a fallu hâter la mise en place, au moins provisoire, pour le fonctionnement des cours de justice.

Le recrutement dans les barreaux d'éléments de qualité est susceptible d'apporter immédiatement une aide précieuse et de valoriser, en outre, de façon importante, l'ensemble de la magistrature. Nous y avons procédé, mais il faut avouer que les demandes sont rares et qu'il y a peu de dossiers en instance. C'est que, je tiens à le redire ici, le relèvement de la situation matérielle de la magistrature par la revalorisation de ses traitements n'a pas été réalisée malgré les améliorations qui sont résultées pour les magistrats de l'augmentation générale des traitements pour toutes les catégories de fonctionnaires.

Enfin, il y a lieu de revenir le plus rapidement possible aux garanties traditionnellement accordées aux magistrats d'inamovibilité et d'accès dans la magistrature. Bien plus, il faut accroître ces garanties, notamment par la suppression d'un très grand nombre de grades, ce qui permettra au magistrat de ne pas avoir à se préoccuper sans cesse de son prochain avancement.

Mais, refaire une magistrature, ce n'est pas seulement réformer les institutions; bien plus encore que dans n'importe quelle administration, c'est une question d'hommes, de qualité d'hommes, de mise en valeur au mieux de leurs aptitudes et de leurs qualités.

J'en viens à une considération qui a peut-être échappé encore à quelques-uns d'entre vous qui n'êtes pas, comme nous, directement responsables de l'administration. De quels matériaux disposons-nous pour refaire aujourd'hui et le plus rapidement possible une magistrature ? Essentiellement du personnel judiciaire actuellement en service. L'appoint de l'extérieur doit l'augmenter; il restera toujours relativement peu considérable.

Dans ce personnel judiciaire que trouve-t-on ? Des éléments qui doivent être exclus rapidement et définitivement parce qu'ils se sont abaissés à des besognes indignes d'une robe de magistrat. Pour le surplus, une grande majorité de magistrats consciencieux, aimant leur noble métier, qui sont restés en place sous Vichy parce qu'ils ne pouvaient guère faire autrement, mais qui ont souffert de la honte du régime, qui sont restés de bons Français et de bons républicains.

En outre, beaucoup ont pris leur part, modeste ou glorieuse, dans la Résistance. La Résistance judiciaire a ses héros et ses morts. Parce qu'on l'oublie trop, j'ai le devoir de le rappeler et de rappeler aussi qu'elle a pris les formes les plus diverses: depuis le procureur de Carpentras, aujourd'hui à la tête du parquet de Nîmes, qui faisait sauter les trains pendant la nuit et réintégrait son cabinet le jour; depuis le procureur de Troyes, aujourd'hui procureur de la République de la Seine et commissaire du Gouvernement à la cour de justice de la Seine, qui, pendant la nuit, dirigeait les opérations de parachutage et qui, en outre, ouvrait les portes de ses prisons, jusqu'à ceux qui sabotaient la répression à l'encontre des patriotes dans les cabinets d'instruction ou les parquets des sections spéciales, tel cet avocat général d'Aix-en-Provence, à qui je dois personnellement la liberté et peut-être la vie, qui avait réglé d'avance, en un scénario admirable, une séance à huis clos complet où, dans la clandestinité, je passais quelques heures.

Messieurs, aux tâches exceptionnelles qui incombent aujourd'hui aux magistrats avec la création des cours de justice s'en ajoutent d'autres extrajudiciaires. Ces ma-

gistrats que l'on décrie tant sont réclamés dans toutes les administrations pour présider des commissions. Dans chaque chef-lieu de région, quarante commissions allant de la commission de triage à des commissions d'épuration professionnelle fonctionnent sous la présidence d'un magistrat.

En outre, ils ne se contentent pas d'attendre, ce qui est leur rôle, les dossiers qui leur sont adressés par la police, mais vont au-devant. Tels, à Paris, ces trois magistrats de la Cour de justice qui, spontanément, se sont mis à la disposition des autorités administratives pour en finir avec le triage des camps d'internement et notamment de Drancy.

Je vous le demande, est-il conforme à l'équité, est-il conforme plus encore à l'intérêt général de n'apporter à leur endroit que des critiques; toujours faciles, alors que nous leur avons demandé une tâche patriotique d'une importance, tant matérielle que morale, exceptionnelle, que nous leur avons confié des responsabilités très lourdes et que nous avons besoin d'utiliser à plein leurs aptitudes et leurs qualités pour refaire une magistrature française, pour leur rendre confiance en eux-mêmes, les grandir aux yeux de la nation, restaurer leur indépendance et leur prestige ?

C'est pourquoi, mesdames, messieurs, tout en accélérant l'épuration du personnel judiciaire, je prépare la publication prochaine du livre d'or de la Résistance judiciaire et pourquoi, tout en accélérant au maximum la répression des faits de collaboration, je m'efforce de poser les premières pierres d'une réforme d'ensemble, qui rendra à notre organisation judiciaire et à notre magistrature tout leur prestige au service de la République. (*Applaudissements sur divers bancs.*)

M. le président. L'Assemblée voudra, sans doute, suspendre sa séance pendant quelques instants. (*Assentiment.*)

La séance est suspendue.

(*La séance, suspendue à seize heures cinquante-cinq minutes, est reprise à dix-sept heures trente-cinq minutes.*)

M. le président. La séance est reprise.

— 10 —

DEPOT D'UNE DEMANDE D'AVIS

M. le président. J'ai reçu de M. le garde des sceaux, ministre de la justice, une demande d'avis sur un projet d'ordonnance portant application de l'ordonnance du 12 novembre 1943 sur la nullité des actes de spoliation accomplis par l'ennemi ou sous son contrôle et édictant la restitution aux victimes de ces actes, de ceux de leurs biens qui ont fait l'objet d'actes de disposition.

La demande d'avis sera imprimée sous le n° 314, distribuée et, s'il n'y a pas d'opposition, renvoyée à la commission de la réforme de l'Etat et de législation. (*Assentiment.*)

— 11 —

BUDGET DES SERVICES CIVILS POUR L'EXERCICE 1945

(Reprise de la discussion.)

M. le président. Nous reprenons la discussion de l'avis sur le projet d'ordonnance portant fixation du budget des services civils pour l'exercice 1945.

Justice (*suite*).

M. le président. Dix-sept orateurs sont encore inscrits dans la discussion du budget de la justice. Je prie donc l'Assemblée de faire preuve de beaucoup de patience et je demande aux orateurs inscrits d'être aussi brefs que possible.

La parole est à M. Gillot.

M. Auguste Gillot. Mesdames, messieurs, nous venons d'entendre M. le garde des sceaux nous présenter le bilan de la justice. Les réactions diverses de nos collègues font penser que tout le monde, dans cette Assemblée, n'est pas tout à fait satisfait. Le 5 décembre dernier, il en était déjà ainsi et, cependant, nous a dit M. le garde des sceaux, nous aurions fait des critiques injustifiées! Aujourd'hui, nous ferons donc en sorte de ne pas mériter ce reproche, en supposant qu'il l'ait été en décembre.

Le fond de la critique formulée en décembre sera, je crois, le même qu'aujourd'hui. Il ne porte pas seulement sur des questions de délai, mais aussi et surtout sur l'orientation de la justice en matière de répression, à savoir: l'épuration, d'une part, et le châtiment des traîtres, d'autre part.

M. le garde des sceaux s'est plaint en disant: « Quand nous sommes arrivés en France, nous n'avions rien du tout, pas de dossier et même pas de doctrine! » Nous aurions cru, tout de même, qu'on aurait pu faire quelque chose à Alger: d'une part, en matière de doctrine; d'autre part, en matière de dossiers.

Je me souviens, en effet, d'avoir entendu, assez souvent, à la radio de Londres en particulier, désigner nommément toute une série d'individus, des traîtres au pays, qu'il fallait arrêter, et nous étions en droit de supposer que déjà des dossiers étaient au moins constitués.

Quant à la doctrine, je veux rappeler ici que M. le garde des sceaux disposait de celle que nous avons proposée dans la clandestinité et que je tiens toujours à sa disposition. Il y a environ 16 pages, presque toutes, d'ailleurs, pleines d'actualité.

Certaines gens, dit-on, auraient intérêt à faire traîner l'épuration et le châtiment des traîtres. Or, ce n'est pas dans la Résistance ou dans le peuple, en général, qu'on peut trouver des éléments pour freiner le châtiment des traîtres. Bien au contraire, on désire que les sanctions soient prises le plus rapidement possible. Ce n'est pas davantage dans ces milieux qu'on oublie les magistrats et les avocats qui se sont bien conduits pendant la période d'occupation. Nous leur rendons hommage. Nous gardons, en particulier, dans notre mémoire, le souvenir du substitut Parodi, assassiné par l'ennemi. (*Applaudissements*), des avocats Pitard, Hadge, Rolmikas, Norman. (*Nouveaux applaudissements.*) Chacun sait la part de sang versé en France par les hommes de la magistrature française et du barreau. A cet égard, nous pouvons dire qu'ils ont réhabilité la magistrature. (*Vifs applaudissements.*)

Ce n'est pas parce qu'il y a encore dans la magistrature des hommes dont certains seraient mieux en prison que dans leurs fonctions que nous pouvons oublier un seul instant les héros de la magistrature et du barreau.

L'honneur de la France est en jeu, a dit M. le garde des sceaux. Je crois que, sur ce point, il a raison. Mais, pour sauver cet honneur, notre opinion est qu'il faut des actes et non des paroles. (*Très bien! très bien.*)

Que demande la nation française ? Exactement ce qu'elle réclamait il y a six mois, à savoir une épuration rapide et énergique.

En ce qui concerne la rapidité, il ne suffit pas de fixer des délais. Comment pourraient-ils être respectés, à Paris par exemple, où, sur 6.500 affaires, la cour de justice n'en a encore jugé que 300 ?

M. le garde des sceaux a déclaré à la commission de la justice du conseil national de la Résistance que les dates qui ont été publiées ne constituent en aucune façon des dates limites. Cependant, nous avions demandé une mise au point officielle qui eût été de nature à rassurer l'opinion sur ce point. Bien que promise, elle n'est pas encore faite et, à notre avis, elle s'impose.

Pour que l'épuration soit rapide, il faut également donner à la justice une impulsion énergique et lui permettre de fonctionner à un rythme de guerre. (*Très bien! très bien!*) Il faudrait, pour cela, liquider l'esprit de Vichy, vaincre la routine et la bureaucratie paralysante, faire avancer des magistrats jeunes issus de la Résistance. Est-cela que l'on fait ? Bien des exemples permettent d'en douter. Les résultats de beaucoup les plus remarquables avaient été obtenus dans le ressort de la cour d'Aix: 625 affaires jugées au 1er janvier, soit un sixième des affaires jugées dans la France entière. A-t-on félicité les juges qui ont donné cet exemple ? On les a déplacés...

M. André Marquis. Voilà des actes!

M. Auguste Gillot. ... en les écartant de tout poste de direction. Le premier président, qui avait été pourchassé par la Gestapo, a été rétrogradé comme conseiller à la cour de Paris. Le procureur général, qui avait organisé la résistance en zone sud, a été rétrogradé comme substitut du procureur général à Paris. (*Exclamations.*) Le prétexte de dissensions locales, même s'il avait été fondé, ne justifiait pas, à nos yeux, une disgrâce, et avant qu'elle soit complètement effacée, il faut dire ici que le procureur général a démissionné de la magistrature. On reprend l'affaire. C'est heureux pour la justice, mais il fallait souligner le fait ici.

De quel avancement ont bénéficié les magistrats qui ont pris une part à la lutte armée ? Voici quelques exemples.

M. Brunel, juge d'instruction à Brioude, interné pour son action de résistance, devenu combattant F. F. I., cité à l'ordre du corps d'armée le 20 septembre, a demandé sa réintégration dans la magistrature. Le 11 décembre, il n'avait pas encore reçu de réponse. (*Exclamations.*)

M. Jacques Debû-Bridel. C'est inouï.

M. Auguste Gillot. Depuis, la commission de la justice a été informée qu'il serait nommé procureur de troisième classe, ce qui constitue l'avancement normal auquel il aurait eu droit, s'il n'avait pas été révoqué par le gouvernement de Vichy.

M. Robert-Pimienta. Ou s'il avait trahi!

M. Auguste Gillot. M. Franck, juge de deuxième classe à Belfort, croix de guerre 1939-1940, officier du maquis, qui a dirigé les opérations sur Montluçon, et qui a été promu lieutenant-colonel, commandant la subdivision militaire de l'Allier, se voit offrir un avancement qui ne tient aucun compte de ses services de résistant.

M. Le Deuff, membre d'un réseau de renseignements, pourchassé par la Gestapo,

maquisard, a purement et simplement repris son poste de président du tribunal de Pontivy. On nous dit même qu'il est question de le déplacer, ainsi que M. Guédon et M. Battaglini. On manque de magistrats, a dit M. le garde des sceaux, mais il faut des mois pour réintégrer ceux qui avaient été chassés par Vichy. Des avocats ayant posé leur candidatures en septembre et en octobre ne sont pas encore nommés, ou l'ont été avec des mois de retard, et les 60 postes de juge d'instruction et de commissaire du Gouvernement demandés en septembre comme indispensables au fonctionnement de la cour de justice de la Seine n'ont été créés que le 28 novembre, deux mois et demi plus tard.

On s'étonne moins d'un tel freinage, lorsqu'on sait que la rénovation de l'administration centrale n'a pas été entreprise. A l'exclusion du directeur, les magistrats qui préparaient les mouvements du personnel sous Alibert, Barthélémy et Gabolde préparent aujourd'hui, à leur manière, les mouvements de la Résistance. (*Exclamations.*)

M. Marrane. C'est un scandale!

M. Auguste Gillot. Ceux de leurs collègues qui avaient servi docilement Vichy et participé à la répression continuent d'avancer, tandis qu'on déclare que c'en est fini des promotions pour services de résistance. Et l'on prétend aujourd'hui faire reviser par une commission de reclassement, composée en majorité de magistrats de la cour de cassation, les avancements exceptionnels accordés au titre de la Résistance.

Quant à l'épuration de la magistrature, elle dépend des mêmes services de la Chancellerie qui n'ont pas été épurés eux-mêmes. Si la commission est composée en majorité de membres de la Résistance, elle ne peut statuer que sur les pièces transmises par ces services. Or, les rapports, les circulaires, les dossiers administratifs, ceux des sections spéciales ne lui sont pas communiqués, si bien que les membres de la Résistance ont dû, par une lettre au garde des sceaux, décliner toute responsabilité dans l'œuvre d'épuration.

Il faudrait donc, en premier lieu, procéder à des changements dans le personnel et dans les méthodes en usage à l'administration centrale.

M. Didier, le seul magistrat qui ait refusé le serment à Pétain, nommé directeur du personnel par la Résistance, n'est jamais entré en fonctions. Son successeur, jusqu'à ce jour, ne semble pas avoir apporté un esprit nouveau. Pour marquer dans les faits que l'on est décidé à rompre avec l'esprit de Vichy, il conviendrait d'écarter d'abord ceux qui ont pris une part active aux juridictions spéciales.

Comment le pays croirait-il qu'une telle volonté existe tant que le directeur du cabinet de M. le garde des sceaux est ce magistrat qui a accepté d'être affecté aux sections spéciales et de poursuivre des patriotes dont nous ne savons aujourd'hui s'ils sont déportés ou morts ?

M. Robert-Pimienta. C'est un paradoxe inimaginable.

M. André Marty. C'est un défi à la France.

M. Auguste Gillot. Nous regrettons d'avoir à poser de nouveau cette question.

Tant que ce magistrat n'aura pas établi devant la commission d'épuration la preuve qu'il n'a jamais requis contre des patriotes, nous estimons que sa place n'est pas à la direction du cabinet du garde des sceaux, qui laisse ainsi supposer qu'il n'y a pas en France un seul magistrat inattaquable. (*Très bien! très bien!*)

M. Gaston Monmousseau. C'est lui le garde des sceaux.

M. Auguste Gillot. Notre première conclusion sera donc: pas de bonne et rapide justice sans une magistrature rajeunie, ce qui suppose que les hommes chargés de l'épuration soient eux-mêmes absolument inattaquables.

Il ne s'agit pas de décimer la magistrature par une épuration quantitative mais, au contraire, de la rallier tout entière à la République en donnant, en haut, l'impulsion et l'exemple. Sinon, l'esprit vichyssois, qui n'a pas encore disparu, refleurira de plus belle; sinon, on verra les magistrats chargés de réintégrer les spoliés et les résistants dans leurs logements, les débouter systématiquement, à l'exemple de ce juge au tribunal de la Seine, M. Barbarin, qui n'a pas craint de faire état dans une ordonnance de la « nationalité juive » du demandeur; sinon, on verra les gros collaborateurs mis en liberté l'un après l'autre par des juges d'instruction comme M. Bonhoure, qui relâche les membres du conseil d'administration d'Air-France, coupables d'avoir livré à l'ennemi notre flotte aérienne de transport; comme M. Frappier, qui relâche les dirigeants de la S. E. M. B. A., coupables d'avoir construit pour l'ennemi des fortifications, des terrains d'aviation et des autostrades.

Eliminer les magistrats qui persistent dans leurs tendances vichyssoises, encourager les nombreux magistrats conscients de l'importance de leur mission au service du pays, telles sont les premières conditions d'une épuration énergique.

Pour ce qui est de la politique répressive de notre ministère, chacun s'accorde à dire qu'une des principales conditions d'une bonne justice est de frapper les grands coupables qui sont, avant tout, les hommes des trusts.

Ce sont les trusts qui ont encouragé ou couvert les agissements de la cinquième colonne, avant-garde de Hitler dans notre pays. Ce sont les trusts qui ont tiré les principaux profits de la collaboration. Des cours de justice condamnent justement les traîtres du P. P. F., les miliciens engagés à la L. V. F.; mais Doriot a été inspiré, subventionné et dirigé par la banque du P. P. F. qui a un nom: la banque Worms. Mais Darnand et sa cagoule ont été inspirés, subventionnés et dirigés par les magnats du caoutchouc, de la métallurgie et des assurances.

La croisade contre le bolchevisme, c'était la guerre sainte prêchée par les trusts. Les cours de justice condamnent à bon droit les traîtres de plume comme Béraud, Stéphane Lauzanne, Maurras; mais qui payait journaux et journalistes, sinon les trusts ? Et les ministres de Vichy, les Pucheu, les Leroy-Ladurie, les Barnaud, les Baudouin, les Bouthillier, les Prouvost, les Bichelonne, qui sont-ils, sinon les hommes et les employés des trusts ?

A propos de Prouvost, je répète ce que nous avons déjà dit ici le 5 décembre: nous n'avons toujours pas compris pourquoi on ne l'a pas arrêté. Il était pourtant écrit dans deux lettres du ministère de la guerre qu'on se plaignait que le garde des sceaux n'eût pas ajouté le nom de Prouvost dans une liste qui lui avait été communiquée.

Nous constatons, six mois après la libération, que pas une affaire de collaboration économique n'est encore venue devant une cour de justice. Pourtant, ces affaires ne sont pas toutes compliquées.

Il n'est pas besoin d'une longue enquête pour établir l'existence des accords passés en vue de renforcer la capacité militaire de l'ennemi, pour apporter à l'envahisseur un concours direct et délibéré sur le terrain financier, industriel ou commercial: commission intereuropéenne de l'automobile avec Peugeot, Hotchkiss, Saurer-Latil et Unic, Laffly, Delahaye, la Licorne; constitution du groupement Francolor pour l'industrie chimique; accords de réassurance négociés avec le secrétaire de Laval, M. Guérard, président du comité d'organisation des assurances; cession des titres de la Norvégienne de l'azote par la Banque de Paris, des mines de Bor par la Banque Mirabaud, de Skoda et des usines d'armement de Haute-Silésie polonaise par l'union européenne de Schneider et consorts; cession de la bauxite et de l'aluminium par Péchiney et le Crédit Lyonnais; de la soude par Solvay; des cuirs par la R.O.G.E.S. du sieur Ribes; accords du trust de la soie artificielle de la famille Gilet avec le trust allemand; congrès franco-allemand de l'énergie avec participation des sociétés françaises d'électricité au capital de 120 milliards de francs; conventions souscrites pour le verre, la céramique, le cinéma, l'industrie du froid.

Les dirigeants de ces trusts sont-ils en prison ? La plupart ne sont même pas poursuivis ou ont été mis en liberté provisoire.

Il y a dans la politique du garde des sceaux deux poids et deux mesures. Il n'est d'ailleurs pas très aisé de suivre la ligne répressive du garde des sceaux; qu'on en juge par ces quelques exemples.

Vingt témoins ont entendu M. Boyer, président du conseil d'administration de la société Hotchkiss, déclarer le 4 janvier 1941: « Je suis fier d'avoir sorti le premier char pour l'occupant. » Leurs dépositions sont au dossier de la cour de justice, mais M. Boyer est toujours en liberté. Il est vieux, sans doute, mais le président du comité de libération du Perray, M. Ricard, a bien été jeté en prison à 65 ans, parce que ses subordonnés avaient procédé à l'arrestation sans mandat d'un collaborateur. Seulement, M. Ricard, lui, est un honnête homme, c'est un patriote, il n'a pas fabriqué des chars pour massacrer les soldats alliés, les vieillards, les femmes et les enfants de notre pays.

Duchemin, qui préside Francolor, au capital de 800 millions, société dont l'Allemagne détient 51 p. 100 des actions et qui travaille exclusivement pour la guerre, a été mis en liberté, mais le patriote Roland, père de trois enfants, coupable d'avoir participé à l'insurrection parisienne et d'avoir, le 20 août, sur l'ordre de son chef, exécuté un traître, est en prison, sous mandat d'arrêt de M. Glorian, ancien juge aux sections spéciales. (*Vives exclamations.*)

M. Robert-Pimienta. C'est la justice républicaine!

M. le président. L'orateur n'a besoin de l'aide de personne. Veuillez ne pas l'interrompre!

M. Auguste Gillot. Le Besnerais et Tuja dont M. Monmousseau a bien voulu nous rappeler le cas dans la séance de jeudi dernier, dirigeants de la Société nationale des chemins de fer français, demandaient à leurs directeurs d'exploitation de dénoncer

les patriotes et ils écrivaient, à la date du 18 octobre 1942, parlant de cheminots réfractaires à la « relève »: « Nous avons demandé quatorze arrestations nouvelles! » et ces deux hommes sont encore en liberté! Mais quatre jeunes patriotes de Dammarie-lès-Lys, tous quatre soutiens de famille, coupables d'avoir exécuté, le 5 septembre 1944, un commissaire de police responsable de plusieurs déportations, sont en prison depuis le 14 septembre, depuis plus de cinq mois.

L'un des Mirabaud est arrêté, mais les autres, propriétaires et administrateurs félons, les escrocs de la banque Mirabaud et des mines de Bor, mais Marcel Champin et d'autres magnats de la métallurgie sont libres.

Par contre, le jeune Roger Comte, coupable d'avoir reçu une paire de draps, un pyjama et une paire de chaussures pris chez un collaborateur pendant l'insurrection, est en prison, malgré sa mauvaise santé, sous mandat du juge d'instruction Devise, fils de cet autre Devise qui fit guillotiner les premiers patriotes français.

Worms, le banquier qui a subventionné le P. P. F. et fait de quatre de ses employés, dont Pucheu, des ministres de Pétain, a été mis en liberté provisoire. Le dossier serait insuffisant! Mais quatre F.F.I. sont au Cherche-Midi depuis quatre mois pour avoir exécuté, en pleine insurrection, le maire de Tessancourt qui avait dénoncé et fait fusiller son compatriote M. Botelle.

M. Robert-Pimienta. Il méritait la mort!

M. Auguste Gillot. Et le fils du fusillé est en prison avec eux, parce qu'il a vengé son père!

On essaie de salir ces patriotes en les impliquant dans une affaire de vol, sans la moindre preuve. On agit en ce moment comme si un ordre mystérieux était donné de calomnier tous ceux qui luttèrent les armes à la main contre l'ennemi. (*Vifs applaudissements.*)

M. Jacques Duclos. C'est la revanche de la trahison.

M. Auguste Gillot. Mes chers collègues, dans le cas que je viens de vous signaler, je vous assure que l'insuffisance du dossier n'a pas incité le juge militaire à mettre les quatre F. F. I. en liberté provisoire. L'un d'eux s'est évadé pour s'engager dans l'armée; il a été pris. Mais on n'arrête ni Prouvost, le magnat du sucre, le pourrisseur de la presse, ni de Carbuccia, le patron de Béraud, bien que l'on dise, dans les milieux de police, que leurs cachettes seraient des secrets de Polichinelle.

M. Maurice Kaouza. C'est inexact.

M. Auguste Gillot. Et de Peyrecave, le fondé de pouvoir de Renault, qui avait, lui aussi, bénéficié d'une mise en liberté provisoire pour certains faits, a fini par s'évader sans plus donner signe de vie.

Mais le nommé Robert Drézet, dit Dumont, condamné en 1939 pour propos dits défaitistes, est arrêté le 14 février 1945. On vient d'apprendre qu'il était enfin relâché. Mais celui qui l'a fait arrêter est-il inquiété ?

Voici ce qu'on lit, à ce propos, dans un document publié en vue d'obtenir la libération de ce résistant:

« Le 14 février, Dumont était arrêté brutalement à la porte de son domicile alors qu'il achetait un journal, et cela pour « terminer sa peine ». Il fut traîné au commissariat de police comme un bandit de droit commun.

« Sa femme, voulant obtenir des nouvelles, fut mise à la porte du poste de police et insultée par le brigadier de service. Sa secrétaire, venue chercher la clé de son bureau pour continuer le travail quotidien, a été également insultée et poussée avec brutalité hors du poste, tandis que le brigadier se permettait des commentaires déplacés sur M. Dumont, disant notamment que c'était un antifrançais. »

Or, c'est un homme qui s'occupe du ravitaillement et qui a tout l'hommage et toute la confiance des camarades qui travaillent avec lui.

Ce parallèle pourrait, hélas! être poursuivi longtemps. M. Robert Petit, de Maisons-Alfort, m'envoie cet avertissement qu'il a reçu de la préfecture de police:

« Vous êtes invité à vous présenter d'urgence au service des mandats pour l'exécution d'un jugement du tribunal correctionnel, quatorzième chambre, en date du 2 mai 1941, pour non déclaration d'arme, qui vous condamne à payer immédiatement la somme de 1.376 fr. 20 ou à subir la contrainte par corps, fixée à trente jours. »

M. André Marty. Signé: De Menthon.

M. Robert-Pimienta. Ce n'est pas exceptionnel.

M. André Marty. Il y a des milliers de cas semblables.

M. Auguste Gillot. Il est malheureusement vrai que ce n'est pas un cas exceptionnel: c'est ce qui est le plus inquiétant.

La conclusion qui se dégage de ces faits est que la section économique de la cour de justice pourrait faire preuve de plus d'initiative et d'énergie quand il s'agit de poursuivre des criminels et que les parquets et les juges d'instruction de droit commun devraient être moins ardents à arrêter les militants de la Résistance.

M. Gaston Monmousseau. Voulez-vous me permettre de vous interrompre ?

M. Auguste Gillot. Volontiers.

M. le président. La parole est à M. Monmousseau, avec l'autorisation de l'orateur.

M. Gaston Monmousseau. A la fin du mois de septembre, M. Creyssel était arrêté à Monaco. Je l'ai vu moi-même à Nice, peu après son arrestation. J'ai appris qu'il avait été transféré à Paris. Qu'est-il devenu ? Quand le jugera-t-on ?

M. Creyssel était ministre de l'information de Vichy.

M. Georges Cogniot. Et Carcopino ?

M. André Marty. En Bulgarie, Carcopino serait fusillé. En France, il est libéré.

M. Auguste Gillot. A propos des arrestations de militants de la Résistance, je voudrais évoquer une circulaire très inquiétante, en date du 26 janvier 1945, émanant de M. le garde des sceaux.

Hier matin, à la commission du Conseil national de la Résistance, nous en avons discuté. Personne n'a été convaincu que cette circulaire visait exclusivement les faits concernant la répression qu'il convient d'exercer contre les traîtres.

Dans la première partie de cette circulaire, nous lisons:

« Les circonstances dans lesquelles s'est réalisée la libération du territoire n'ont pas permis d'assurer immédiatement et en toutes régions le respect de la légalité républicaine. Au cours des premières semaines qui ont suivi le retrait de l'envahisseur, des juridictions se sont constituées dans des conditions irrégulières, des arrestations et des détentions arbitraires se sont produites, des exécutions sommaires ont eu lieu.

« Maintenant que des dispositions législatives ont réglementé la répression des faits de collaboration, que ces dispositions sont partout connues et que fonctionnent dans tous les départements les organismes qu'elles prévoient, il convient, non seulement de veiller à ce que désormais la légalité soit scrupuleusement respectée, mais aussi de replacer dans le cadre juridique les situations de fait qui avaient pu se produire au cours de la période précédente. »

Pour nous, et c'est ce que nous avons dit hier matin à M. le garde des sceaux, cet extrait ne prête pas à confusion, il remet en cause toutes les actions accomplies par la Résistance avant, pendant et après l'insurrection. Sinon, nous ne comprendrions pas pourquoi M. le garde des sceaux n'a pas pris le soin de préciser des dates.

Plus loin, nous lisons:

« Vous voudrez bien, d'autre part, inviter vos substituts à rechercher les responsabilités en cause pour toute arrestation ou détention irrégulière parvenue à leur connaissance et à requérir au besoin l'ouverture d'informations judiciaires... »

Ainsi, au moment où M. le garde des sceaux déclare ici qu'il manque de personnel pour faire l'épuration et poursuivre les traîtres, il demande aux substituts de requérir des informations judiciaires contre les hommes de la Résistance.

Poursuivons notre lecture:

« Si des individus avaient... » — je souligne: « avaient »; c'est bien du passé — « ...en mains les preuves de l'activité antinationale de certains de leurs concitoyens, loin d'avoir le droit de se substituer à l'autorité de fait en exécutant les coupables, la loi leur faisait un devoir de communiquer les renseignements détenus par eux aux autorités militaires, administratives ou judiciaires.

« Si la justice était déjà saisie et si le présumé coupable était détenu, s'il a été jugé, s'il a été condamné, fût-ce à la peine de mort, sa vie était encore protégée par la loi et c'est méconnaître gravement le respect dû à celle-ci que de procéder à une exécution qui, intervenant dans des conditions illégales, constitue un meurtre ».

Ici, nous croyons devoir dire que M. le garde des sceaux estime sans doute que l'affaire de Maubeuge n'est pas assez douloureuse en elle-même.

Terminons avec ce passage:

« Dans toutes les affaires de cette nature qui sont déjà venues ou qui viendraient à la connaissance de vos substituts, qu'il s'agisse du meurtre de personnes placées ou non sous mains de justice, je vous prie de bien vouloir faire procéder à une enquête, requérir — à moins que l'autorité militaire compétente ne l'ait fait — l'ouverture d'une information qu'il conviendra de suivre avec la plus grande énergie... ».

Vous reconnaîtrez, sans doute, monsieur le garde des sceaux, que la question est suffisamment importante pour qu'elle obtienne ici une réponse. Nous considérons cette orientation comme très grave. Après le délai fixé à l'épuration et au châtiment des traîtres, nous en sommes à nous demander si votre politique ne vise pas à

un arrêt des poursuites contre ceux qui ont trahi la patrie et au début d'une action générale contre ceux qui l'ont libérée. (*Vifs applaudissements sur divers bancs.*)

Il est impossible que cette circulaire ne soit pas rapportée.

Qu'on veuille bien y réfléchir: si, dès l'insurrection nationale, les organes de la légalité nouvelle, forgée par la nation dans son combat libérateur, n'avaient pas pris l'initiative d'appréhender et de châtier les traîtres, où en serions-nous ?

On semble avoir oublié que le peuple de France a pris au sérieux l'idée exprimée par le général de Gaulle disant que l'insurrection nationale était inséparable de la libération nationale.

Déjà, les conspirateurs, trop souvent impunis, relèvent la tête et se croient permis de défier la justice. Et c'est le moment que M. le ministre choisit non pas pour dire qu'il lui appartient désormais de prendre en main la répression, ce qui serait normal, mais pour désavouer les initiatives de la Résistance, pour appeler l'énergie et les diligences de ses parquets, dont tous ne sont pas épurés, contre qui ? contre les tribunaux de la Résistance, pour faire qualifier de meurtres les exécutions des ennemis de la patrie.

En vérité, on croit rêver. La nation en est à se demander sur quelles forces le ministre compte s'appuyer. Alors que les informations sont si lentes, que pas un des chefs de trust qui ont pactisé avec l'ennemi n'a comparu devant la cour de justice de la Seine, et alors qu'il invoque comme excuse l'insuffisance numérique de ses magistrats et des inspecteurs de la police judiciaire, c'est contre les forces libératrices qui ont sauvé la France que M. le garde des sceaux bat le rappel de ses parquets. Est-ce la colère ou le découragement qu'il veut provoquer ? Ou bien l'ennemi qu'il veut encourager ? (*Exclamations sur divers bancs.*)

Telles sont les questions auxquelles j'estime qu'il serait nécessaire de donner des réponses précises.

M. Marcel Poimbœuf. Nous sommes en France, dans un pays de liberté, monsieur Gillot.

M. Auguste Gillot. Il y a en France un complot contre les institutions de la République. Il y a un complot de la cinquième colonne et, quand on ne châtie pas les traîtres, on apporte une aide à ce complot. (*Applaudissements.*)

Nous attendons les explications de M. le garde des sceaux sur ce point.

Il convient d'apporter toutes précisions utiles sur la façon dont il est possible de faire concorder les termes de la circulaire du 26 janvier 1945 et l'article 1er de l'ordonnance du 6 juillet 1943, qui stipule:

« Sont déclarés légitimes tous actes accomplis postérieurement au 10 juin 1940 dans le but de servir la cause de la libération de la France quand bien même ils auraient constitué des infractions au regard de la législation appliquée à l'époque. »

C'est d'ailleurs l'article 2 de cette ordonnance qui permet la revision de toutes condamnations prononcées par des juridictions répressives civiles ou militaires.

Or, voici une note sur la revision du jugement rendu le 25 juin 1942 par le tribunal d'Etat présidé par M. Devise père, dans l'affaire de la rue de Buci, à Paris. Les considérants sont les mêmes, à quelques mots près, que ceux du jugement primitif:

« Considérant que Grelot (Jean) demande la revision du jugement du tribunal d'Etat siégeant à Paris le 25 juin 1942 qui a condamné son fils Grelot (Pierre) à la peine des travaux forcés à perpétuité pour avoir participé le 31 mai 1942 à une association de malfaiteurs et aidé au pillage en bande et à force ouverte, en temps de guerre, d'un établissement alimentaire de Paris;

« Considérant que, sans doute, Grelot était membre d'un groupement dit « Front national », mais qu'il ne résulte pas des circonstances de la cause que les faits incriminés se rapportent exclusivement aux charges prévues par l'article 2, alinéa 1er, de l'ordonnance du 6 juillet 1943; qu'il n'y a donc pas lieu à revision, rejette... »

Mme Péri. Monsieur Gillot, voulez-vous me permettre de donner quelques précisions ?

M. Auguste Gillot. Volontiers.

M. le président. La parole est à Mme Péri, avec la permission de l'orateur.

Mme Péri. M. Gillot vient de démontrer que l'épuration et la réorganisation républicaine de l'appareil judiciaire n'étaient pas assez poussées et n'offraient pas aux Français toutes garanties de justice.

Je me permets de citer un fait qui, dans sa brutalité, illustre une sorte de continuité dans le fonctionnement des tribunaux de Vichy. Il s'agit du procès concernant l'affaire de la rue de Buci, du 31 mai 1942.

Les Parisiens se souviennent de Madeleine Marsin, qui distribua courageusement à des ménagères des denrées stockées dans un magasin de la rue de Buci. Les jeunes étudiants Lucien Legros, Pierre Benoit, Jean Artusse et Pierre Grelot protégeaient les ménagères afin de les soustraire à la Gestapo et à la milice de Vichy.

Le 25 juin 1942, le tribunal d'Etat, présidé par le trop célèbre Devise, a rendu contre les participants à cette action, parmi lesquels les quatre étudiants dont j'ai cité les noms, un jugement condamnant trois d'entre eux aux travaux forcés à perpétuité et le dernier, Pierre Benoit, à mort par contumace. Ces jeunes gens furent ensuite livrés aux autorités allemandes et fusillés après plusieurs mois de tortures.

Quel crime avaient-ils donc commis ? Lutter contre le plan hitlérien d'extermination de la race française par la sous-alimentation.

Par application de l'ordonnance du 6 juillet 1943, qui prévoit une revision des jugements rendus sous l'occupation à l'encontre des résistants, les familles ont demandé la revision du jugement du tribunal d'Etat.

L'une des familles vient d'être informée qu'il n'y avait pas lieu à revision. (*Exclamations.*)

M. Jacques Debû-Bridel. C'est un scandale.

Mme Péri. Vous devez, monsieur le garde des sceaux, observer que les juges de 1945 n'ont même pas pris la peine d'examiner le dossier, ainsi que M. Ruellan, substitut, l'a confessé au représentant de l'association des familles de fusillés et de massacrés, M. Legros, dont le fils est l'un des fusillés.

M. le substitut a trouvé comme seule excuse que « le court délai de trois mois imparti pour l'examen des dossiers était insuffisant ». Les juges de 1945 approuvent le jugement de 1942, rendu par Devise, jugeant au service de l'ennemi, contre les jeunes patriotes dont le seul crime fut de lutter pour la libération de la France.

Cependant, le général de Gaulle glorifia le geste de ces victimes de l'affaire de la rue de Buci. La radio, la presse française et celle des pays alliés ont rendu hommage à ces jeunes martyrs de la foi nationale. Mais il n'en reste pas moins qu'une odieuse condamnation par les juges de Pétain de 1942 est confirmée par les juges de 1945.

Est-ce que ces juges sont restés les mêmes ? Dans ce cas, il faut les remplacer et ouvrir contre eux une instruction pour s'être mis au service de l'ennemi. (*Applaudissements.*)

Est-ce qu'ils ont été changés ? Dans ce cas, vous avez remplacé des vichyssistes par d'autres vichyssistes, et leur inculpation immédiate, pour trahison, s'impose.

Cette observation, monsieur le ministre, je la porte à votre connaissance au nom de l'association des familles de fusillés et de massacrés. Celle-ci voudrait avoir la certitude que l'esprit et les hommes de Vichy sont écartés, et résolument, de toute notre administration judiciaire; ce serait pure justice. (*Vifs applaudissements.*)

M. Auguste Gillot. La précision apportée par Mme Péri vient tout simplement confirmer notre affirmation, à savoir qu'il est grand temps que soit définie, d'une façon claire, la politique répressive que M. le garde des sceaux entend mener.

Je ne voudrais pas, cependant, laisser supposer un instant que nous sommes contre toutes ses circulaires. Quand l'une d'elles ne nous convient pas, nous la dénonçons. Mais, si M. le garde des sceaux adresse à ses services une circulaire rappelant que les dirigeants des trusts doivent être poursuivis avec énergie et sans faiblesse, nous estimons que c'est là chose fort appréciable.

Il ne serait pas inutile de rappeler aussi que les recommandations, d'où qu'elles viennent, doivent rester lettre morte. N'a-t-on pas vu les plus pressantes interventions se produire en faveur d'un repris de justice, nommé Gartner, qui a gagné des centaines de millions en participant aux travaux du mur de l'Atlantique ?

On trouve, dans un grand nombre de dossiers de gros trafiquants, d'entrepreneurs de travaux publics, des attestations établissant qu'ils ont transmis des renseignements, participé à des parachutages, etc., etc. Loin de servir en vue d'une mise en liberté, ces documents, comme du reste les certificats de réquisitions allemandes, devraient faire l'objet d'enquêtes les plus poussées.

Certaines de ces pièces, d'ailleurs, sont fausses; d'autres sont achetées à prix d'or; enfin, la réquisition allemande ne peut servir à justifier le zèle de certains chefs d'entreprise.

Mais il ne suffit pas de mettre en prison; il faut également juger. Tandis que de bien petits coupables comparaissent parfois devant les cours de justice, chacun constate que ni Bussière, ni Bouffet, ni David, ni Devise, ni Benon ne sont pas encore jugés. On ne sait pas encore, à l'heure actuelle, si des ambassadeurs tels Bergery, Bérard, etc., sont susceptibles d'être poursuivis. Par contre, voyons ce qui se passe dans nos campagnes.

Aussi incroyable que cela soit, sous la République française, on poursuit des paysans condamnés par Vichy. Voici les faits

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que j'emprunte à un rapport récent de notre collègue, M. Waldeck Rochet.

Sous l'occupation, le gouvernement de Vichy avait créé un système d'amendes destinées à punir les paysans qui ne livraient pas les quantités de produits et de bétail qui leur étaient imposées pour satisfaire aux exigences de l'occupant. A l'époque, les groupements de la Résistance ont été unanimes à demander aux paysans de refuser de telles livraisons. Les micros de Londres et d'Alger en ont fait autant, et les hommes les plus autorisés du Gouvernement provisoire ont, eux aussi, fait appel au patriotisme des paysans. Nombreux furent donc ceux qui appliquèrent ces consignes. On aurait pu penser qu'après la libération on n'entendrait plus parler de ces amendes. Erreur: presque partout on en exige le payement.

Dans les Côtes-du-Nord, on vient d'envoyer des sommations aux cultivateurs qui n'ont pas livré leurs chevaux pour les réquisitions allemandes. (*Exclamations.*)

Dans la Drôme, pour avoir ravitaillé le maquis et refusé de livrer leurs produits aux Boches, les paysans de la commune de Séderon viennent de recevoir l'ordre de payer des amendes que leur a infligées Vichy, et qui varient de 1.000 à 2.000 francs.

M. Robert-Pimienta. Pour être transmises aux Boches!

M. Auguste Gillot. Dans l'Ariège, c'est le cultivateur Jean Estague, ancien combattant de la guerre 1914-1918, résistant de la première heure, blessé le 3 août 1944 en combattant l'ennemi, qui se voit réclamer 7.000 fr. d'amende pour non-livraison de beurre.

De Beuvry, dans le Pas-de-Calais, un de nos bons camarades nous signale un cas encore plus révoltant:

« Pendant l'occupation, dit-il, nous avions réussi à incorporer dans la Résistance une dizaine de petits cultivateurs. Etant dans la Résistance, ils ont appliqué à la lettre ce que la radio leur demandait: rien pour les Boches. Ils ont donc livré la totalité de leurs denrées à nos camarades du maquis, malgré les amendes, les menaces de saisie et les représailles. Aujourd'hui, les Boches ont quitté le territoire et ne peuvent plus exercer leur répression. Mais il est vraiment inadmissible que ces cultivateurs soient maintenant saisis par huissier, pour non-payement des amendes qui leur ont été infligées par Vichy ».

M. Robert-Pimienta. Amnistie!

M. Auguste Gillot. Ces exemples ne sont pas des cas isolés; il en est beaucoup d'autres. Ils suffisent, cependant, à prouver que les hommes de Vichy restent tout puissants dans certaines administrations et qu'ils ne négligent rien pour mécontenter les paysans.

Et M. le garde des sceaux devrait bien nous dire pourquoi et comment de tels faits peuvent se produire six mois après la libération, qui est responsable et quelles mesures sont envisagées pour faire cesser de pareils scandales.

Les paysans qui ont si bien servi la patrie, alors que les boches souillaient la terre française et que les hommes de Vichy trahissaient, ont droit à la reconnaissance du pays.

Une autre condition d'une bonne épuration serait la coordination des services participant à l'œuvre commune, réclamée en vain depuis des mois: justice, production industrielle, intérieur et guerre.

Comme il n'est pas possible de faire le bilan de la répression sans dire deux mots de ce qui se passe dans les secteurs voisins, voyons un peu l'activité du ministère de l'intérieur, de qui dépendent les arrestations et les internements.

Dans la France entière, mais surtout à Paris, les organismes de la résistance s'inquiètent, à la fois, des libérations injustifiées de traîtres notoires, et des répercussions sur l'opinion de trop longues détentions préventives, qui ont pour résultat de rendre la répression impopulaire et de créer un malaise habilement développé et utilisé.

Rigueurs excessives pour les petits coupables, impunité pour les grands, ce sont là deux aspects de la même politique tendant à discréditer la répression.

Si les services de police comprennent des éléments parfaitement sains et patriotes, il s'y est glissé ou maintenu des agents de la cinquième colonne, qui sapent, désorganisent et sabotent. C'est ainsi qu'un très grand nombre de dossiers confiés à la police, pendant la période insurrectionnelle, à Paris, ont disparu. Ces faits, d'ailleurs, ne sont pas particuliers à Paris, comme le montre un document en provenance de la localité de Montgeron, dans le canton de Villeneuve-Saint-Georges, et dont je me dispenserai de donner lecture à l'Assemblée, afin de ne pas allonger le débat.

M. Jacques Debû-Bridel. C'est la même chose partout.

M. Auguste Gillot. De grands coupables ont été relâchés sous le prétexte qu'il n'existait pas de dossier contre eux. Des innocents ont été enfermés pendant des mois, sans avoir été interrogés. Pour mettre fin à une telle situation, le Mouvement national judiciaire avait proposé, dès les premiers jours de septembre, que le nom de toute personne internée soit affiché aux lieux de son domicile et de son travail, et qu'à défaut de plainte déposée dans la quinzaine de l'affichage, la personne arrêtée sans motifs connus soit relâchée. Il est regrettable qu'aucune suite n'ait été donnée à cette suggestion. Aussi, le double excès des libérations et des détentions abusives a-t-il continué pendant des mois, et on n'en a pas terminé avec lui.

Voici un cas signalé par la presse du 30 janvier. Un délateur dénonce des dizaines de ses concitoyens, en donnant leurs noms et adresses. On trouve une lettre adressée par lui à un capitaine allemand et contenant cette phrase: « Aujourd'hui, je vous apporte une charrette bien panachée. » L'ignoble individu est arrêté, mais son dossier est égaré. La police n'interroge même pas les témoins et prononce l'internement administratif pour une durée d'un an.

A l'assemblée nationale des comités départementaux de la libération, qui s'est tenue en décembre à l'hôtel de ville de Paris, de nombreux délégués ont signalé des faits semblables. En voici d'autres.

A Clichy, Henri Ours, trois fois arrêté est trois fois relâché, et son dossier contenait des ordres de mission allemands.

A Saint-Denis, c'est toute la liste des responsables P.P.F. qui, internés à Drancy, sont relâchés: Rigaut, lieutenant des gardes françaises, chef d'un groupe de cinq, est libéré; Gasztowt, secrétaire de Doriot, présidente de la section féminine du P.P.F., est libérée; Grandjean, délégué à la presse du P.P.F., est libéré; Nanteuil, secrétaire-adjoint à la propagande, est libéré; Saint-Philippe est un militant connu pour avoir joué de la matraque à Saint-Denis depuis onze ans; c'est le propagandiste P.P.F.; il est libéré; Lahaye, conseiller municipal P.P.F.; Lafon, autre conseiller municipal P.P.F.; Francquart, fier à bras, garde du corps de Doriot; Aimard, membre P.P.F., responsable des « Amis du *Cri du Peuple* »; Masson, femme du secrétaire de Doriot; Raison, maire P.P.F. de Pierrefitte; Kruyt, conseiller municipal, responsable du P.P.F., tous sont libérés. Le 17 février, Lecoustey, autre conseiller municipal P.P.F. de Saint-Denis, est libéré.

M. Perney. Le secrétaire de de Brinon a également été libéré.

M. Robert-Pimienta. Il est malheureux pour Prosper qu'il n'ait pas été P.P.F.! (*Rires et applaudissements.*)

M. Auguste Gillot. Les mêmes éléments qui font disparaître les dossiers, les noms des collaborateurs notoires et des gros trafiquants, qui font relâcher, au bout d'une heure d'internement, un Lambert Ribaud, obtiennent l'internement sans interrogatoire, ou le maintien prolongé en détention, d'étrangers ayant servi notre pays, ou de Français innocents.

Pendant ce temps, les attentats se multiplient, les factieux s'agitent; chaque jour, ils se font la main dans diverses agressions. J'en ai toute une liste, que je m'excuse de ne pas lire. Il suffit d'ailleurs de consulter la presse quotidienne qui, chaque jour, relate un ou deux ou trois attentats.

Cette courte énumération, venant après tout ce qui a été signalé au mois de décembre, incite tous les patriotes clairvoyants à conclure à un véritable complot contre la République et ses institutions. (*Très bien! très bien! sur divers bancs.*) Nous ne croyons pas exagérer en le disant. Et, chaque faiblesse dans la répression — c'est à cela que je faisais allusion tout à l'heure — apporte un encouragement aux hitlériens. (*Très bien! très bien!*)

Qu'on en juge par cette lettre, qui nous vient de Brévannes, mais dont l'expéditrice est détenue à la caserne de Saint-Denis; car ce ne sont pas les soldats de l'armée française, mais des traîtres qui s'y trouve à l'heure actuelle; elle écrit à sa fille, le 15 janvier:

« J'ai reçu la lettre de ton docteur par un service spécial. Ici, et dans mon cas, nous sommes des centaines de mille... » — la caserne à Saint-Denis est grande! — « ...Tout cela n'est pas bien gai, mais, un jour, nous nous vengerons, et peut-être bientôt, car les événements redeviennent favorables pour nous. As-tu reçu un colis de la Croix-Rouge ou d'un autre service? Dis-moi seulement: « J'ai tout reçu ». Ne te fais pas de mauvais sang, car je n'ai le droit de faire partir aucun colis ni mandat, avec toute cette fripouille de F.F.I. et de communistes. Ah! ma chérie, la France ne devient pas belle. Enfin, bientôt, nous serons à nouveau vainqueurs ».

Voilà ce qu'on écrit de la caserne de Saint-Denis, à une fille qui est dans un sanatorium à Brévannes.

M. Robert-Pimienta. Ce qu'ils appellent la France, c'est l'Allemagne! (*Très bien! très bien!*)

M. Auguste Gillot. Comment s'étonner, après cela, qu'un ami de Philippe Henriot, M. Lafon, interné dans un camp de concentration, écrive au préfet de l'Allier

pour protester « contre un étroit esprit de vengeance à l'égard d'un homme politique disparu d'aussi tragique façon, et dont le souvenir ne devrait plus, à l'heure actuelle, inspirer une semblable rancune » ? (*Exclamations.*)

Ainsi, sans une surveillance redoublée, sans une police épurée et informée, la justice ne peut pas agir efficacement et cette police soigneusement épurée, au sein de laquelle des éléments sains devraient s'attacher à déceler les manœuvres des traîtres, doit collaborer d'une façon constructive avec la Résistance. Elle tiendra à honneur de répudier les méthodes tristement célèbres de Vichy et de la Gestapo. Un policier français devrait rougir qu'on puisse, en rapportant les sévices dont il se serait rendu coupable, évoquer les chambres de torture de la Gestapo et les immondes exploits des voyous de Darnand.

On nous objecte souvent le problème des effectifs et la formation insuffisante des nouvelles recrues. Pourquoi ne fait-on pas appel aux membres de la Résistance qui ont lutté pendant quatre ans et ont passé à travers tous les pièges et toutes les mailles des filets de la Gestapo et de ses complices de France ? Voilà des hommes qui feraient rapidement d'excellents policiers.

Après ces explications, on comprendra sans peine que nous tenions à préciser quelques principes sur la justice et sur l'épuration. Nous disons très simplement qu'il convient d'appliquer le programme du conseil national de la Résistance et rien de plus. Je n'en rappellerai que l'essentiel.

Le 15 mars 1944, en pleine illégalité, les seize organisations de la Résistance ont décidé, à l'unanimité, de rester unies après la libération pour « veiller au châtiment des traîtres et à l'éviction, dans le domaine de l'administration et de la vie professionnelle, de tous ceux qui auront pactisé avec l'ennemi ou qui se seront associés activement à la politique des gouvernements de collaboration, exiger la confiscation des biens des traîtres et des trafiquants du marché noir, ainsi que la confiscation des biens ennemis, y compris les participations acquises depuis l'armistice par les gouvernements de l'axe et leurs ressortissants dans les entreprises françaises et coloniales de tout ordre, avec constitution de ces participations en patrimoine national inaliénable. »

Je crois devoir poser cette question dont vous m'excuserez : « M. le garde des sceaux est-il toujours d'accord avec le programme de la Résistance française et fidèle à ses engagements? » Nous aimerions avoir une réponse précise au cours de ce débat.

Mme Couette. Voulez-vous me permettre de vous interrompre ?

M. Auguste Gillot. Volontiers.

M. le président. La parole est à Mme Couette, avec la permission de l'orateur.

Mme Couette. Il est bon de signaler que, dans les couloirs du ministère de la justice, on s'en va répétant que l'épuration a vécu et que tout cela finira bientôt par une embrassade générale. Tous ceux qui fréquentent le ministère de la justice peuvent le savoir.

S'il en est ainsi, c'est, sans doute, que les agissements et l'attitude de ceux qui entourent le ministre de la justice laissent à penser que bientôt les collaborateurs seront blanchis.

M. Auguste Gillot. Depuis six mois, nous demandons que l'on frappe haut, vite et juste, que soient nettement distingué le châtiment des traîtres tombant sous le coup des articles du code pénal, de la nécessaire épuration d'hommes qui, sans pouvoir être convaincus de trahison du fait de leur participation à l'action des usurpateurs et du fait des responsabilités qu'ils ont ainsi assumées, ne peuvent conserver leurs postes dans la France rénovée.

Fixant ainsi les principes de la répression et de l'épuration, nous rappelons que doivent être frappés sans pitié les traîtres dirigeant de grandes entreprises commerciales, industrielles, bancaires, ou des comités d'organisation qui ont sciemment préparé la défaite et qui ont travaillé volontairement pour l'ennemi et cherché leur enrichissement à son service ; les chefs militaires qui ont livré nos hommes, notre matériel, notre flotte, qui ont ouvert le feu sur les alliés de la France ou qui, exécuteurs serviles des traîtres de Vichy, ont requis contre les résistants ou prononcé contre eux des sentences iniques ; tous les ministres, secrétaires, hauts commissaires, commissaires, secrétaires généraux des soi-disant gouvernements de Vichy, résidents généraux, gouverneurs généraux, ambassadeurs, ministres plénipotentiaires, conseillers et secrétaires d'ambassade, consuls, préfets régionaux, préfets, intendants de police, commissaires régionaux aux affaires juives, directeurs centraux et régionaux de la propagande et autres fonctionnaires d'autorité, qui se seront rendus coupables de trahison. Parmi ces coupables, les hommes qui, comme Pétain, Laval, Déat ont suivi l'ennemi en retraite, doivent, en attendant d'être repris par les armées françaises et alliées, être jugés par contumace avec confiscation de leurs biens. (*Vifs applaudissements.*)

On a cru devoir créer une juridiction spéciale pour juger les ministres usurpateurs qui ont dirigé la politique de l'anti-France, comme s'il était besoin de les distraire de la compétence des cours de justice. Or, cette Haute Cour n'a pas encore commencé à siéger et il n'apparaît pas que les instructions soient poussées plus vite que les autres, puisqu'une seule d'entre elles est close. Elle concerne l'amiral Esteva.

N'est-il pas possible d'imprimer un rythme de choc à cette juridiction? (*Très bien! très bien!*)

N'est-il pas possible d'obtenir que les magistrats instructeurs travaillent matin et soir au dépouillement de la documentation comme à l'interrogatoire des inculpés et des témoins ?

N'est-il pas possible que la commission d'instruction se réunisse plus d'une fois par semaine ?

N'est-il pas possible d'intervenir sans désemparer contre les principaux coupables en fuite ?

Qu'attend-on pour déférer à la Haute Cour et juger par contumace un Pétain, un Laval, un Darnand, un de Brinon?

M. Jacques Duclos. Et un Georges Bonnet ?

M. Auguste Gillot. Il ne s'agit pas encore d'écrire l'histoire, mais de faire justice. La conscience publique ne comprend pas qu'une juridiction spéciale, constituée à tort ou à raison pour juger Pétain et consorts, hésite plus longtemps à les châtier.

La nation n'a pas de temps à perdre. Elle fait la guerre et, quand un Pétain n'est pas condamné, elle se demande à juste titre pourquoi la justice tarde à dissiper les équivoques, à en finir avec l'attentisme, qui n'a que trop duré, qui a trop longtemps défiguré la France aux yeux de l'étranger.

Les agents d'exécution de cette entreprise de trahison qui, tels les miliciens et les P. P. F. ont pris les armes contre les patriotes, ainsi que les délateurs, les recruteurs au service de l'ennemi et les magistrats ayant fait condamner à mort ou déporter des patriotes ; les porte-parole de la collaboration ou les propagandistes de la déportation et de la lutte contre la Résistance et contre nos alliés, dans la presse, le cinéma, la radio, la littérature, etc., tous ces hommes doivent être jugés dans le plus bref délai, tout retard apporté à rendre justice ne pouvant que provoquer des désordres et compromettre la renaissance de notre pays.

Une deuxième catégorie comprend les complices des traîtres.

Ce sont les dirigeants des grandes entreprises commerciales, industrielles et bancaires et des comités d'organisation qui, sans pouvoir être convaincus d'avoir préparé sciemment la défaite ni d'avoir travaillé volontairement pour l'ennemi, ont accepté de jouer un rôle de premier plan dans la structure économique de Vichy.

Il s'agit des chefs militaires qui, sans être coupables d'actes de trahison caractérisés, ont mis leur autorité au service de Vichy et ont ainsi écarté du droit chemin les officiers, sous-officiers et soldats des armées de mer, de terre et de l'air.

Il s'agit également des hommes politiques, parlementaires et élus locaux qui ont approuvé, soit par leurs déclarations, soit par leurs actes, la politique de Vichy.

Il s'agit des membres des organisations de collaboration de toute nature qui, sans avoir pris une part personnelle à la lutte contre la Résistance, ont néanmoins, par leur adhésion maintenue après la date fixée par l'ordonnance sur l'indignité nationale, témoigné de leur solidarité avec le régime de Vichy.

Il s'agit des collaborateurs de la presse, de la radio, du cinéma, de la littérature, qui, sans avoir eu une attitude politique au service de l'ennemi ou du gouvernement de Vichy, ont néanmoins continué à produire des œuvres, sous leur responsabilité, dans les organismes contrôlés par Vichy ou l'ennemi, après la date fixée par le texte relatif à l'épuration émanant de la Fédération de la presse française.

Les individus qui entrent dans la deuxième catégorie peuvent, à titre exceptionnel, être exemptés des mesures d'épuration qui frapperont cette catégorie si, après avis motivé du comité départemental et du comité local de la Résistance, ils établissent qu'ils ont rendu des services importants à la Résistance ou qu'ils ont conservé leur poste en accord avec un organisme de la Résistance.

Ne peuvent toutefois bénéficier de l'exemption précédente, les individus qui, indirectement, ont été à l'origine de la mort des patriotes et qui doivent répondre de leurs actes comme ceux de la première catégorie.

En précisant ainsi les deux catégories d'individus qu'il faut frapper, nous sommes convaincus de rendre au pays un éminent service. Nous mettrons un terme à ce scandale de poursuites intentées contre ceux que l'opinion publique désigne sous le nom de « lampistes », pour ne frapper que les véritables coupables. C'est qu'il ne faut, à l'égard des traîtres, ni pitié, ni pardon. La justice ne doit se laisser influencer par aucune démarche.

Pas de pitié pour ceux qui préparèrent et accomplirent la trahison de la patrie, liquidèrent les institutions républicaines, supprimèrent le droit de vote et toutes les libertés démocratiques!

Pas de pitié pour ceux qui livrèrent deux millions de soldats français à l'ennemi, pour ceux qui déportèrent nos frères et nos sœurs en Allemagne!

Pas de pitié pour ceux qui firent guillotiner des patriotes français comme le député Jean Catelas, Bréchet, Woogt, d'autres encore, et qui livrèrent au peloton d'exécution ennemi 120.000 des meilleurs parmi les nôtres!

Pas de pitié pour ceux qui affamèrent notre peuple, pendant quatre ans, en livrant tous nos produits à l'occupant, qu'ils souhaitaient victorieux, désirant ainsi l'anéantissement de la France!

Pas de pitié ni de pardon pour les profiteurs de la trahison et de la défaite! Ils ont trahi, ils doivent payer. (*Applaudissements.*)

« Ceux qui font la guerre à un peuple pour arrêter le progrès de la liberté et anéantir les droits de l'homme ne doivent pas être traités comme des ennemis ordinaires, mais comme des assassins et de vulgaires rebelles. »

Ces paroles, prononcées en 1793, à la Convention, par Robespierre, s'appliquent à notre peuple en guerre; pour en finir avec l'hitlérisme et ses prolongements sur le sol de la patrie.

Les veuves, les orphelins, tous les héros tombés pour la cause de la libération réclament justice. Après cinq ans de crimes, d'assassinats, de larmes et de sang, on ne peut pas oublier, d'autant plus que les hitlériens continuent sur les côtes de l'Atlantique et que les attentats de la cinquième colonne se multiplient.

Qu'ils se taisent, ceux qui voudraient nous rendre sensibles quand on fusille un Brasillach, alors qu'ils n'ont rien dit lorsque tombaient les Péri, les d'Estienne d'Orves, le jeune étudiant communiste Guy Moquet ou le jeune catholique Louis Fertet. (*Vifs applaudissements.*)

Devant nos yeux défilent encore les massacres de Saint-Claude, d'Ascq, d'Oradour-sur-Glane, de la prison d'Eysses et les charniers de Vincennes, d'Ivry, du Mont-Valérien et d'ailleurs.

Notre mémoire gardera à jamais le souvenir des otages fusillés à Châteaubriant, des villages détruits, des femmes, des enfants brûlés vifs jusque dans les églises. Jamais la France n'oubliera! Elle ne peut pas oublier. Il faut avoir vécu ces longues années d'illégalité, de terreur, de chasse à l'homme pour comprendre la soif de justice qui anime le peuple de France. Il ne s'agit pas de vengeance, nous le répétons encore, ni de représailles, il s'agit de la justice, mais de toute la justice.

Cette politique conditionne en partie la poursuite victorieuse de la guerre et l'avenir du pays, si l'on ne veut pas revoir en pire les journées de février 1934.

M. Arthur Ramette. Très bien!

M. Auguste Gillot. C'est un problème de sécurité nationale. Et, pour vaincre l'ennemi de l'extérieur, notre opinion est qu'il faut exterminer l'ennemi de l'intérieur. (*Applaudissements.*)

C'est pourquoi il faut, à notre avis, avoir confiance dans le peuple de France. Notre peuple a donné des preuves éclatantes de son civisme: on peut, on doit lui faire confiance.

Nous sommes tous d'accord pour reconnaître qu'il appartient à l'autorité légale de procéder aux perquisitions, aux arrestations, aux jugements et à l'exécution des jugements.

Mais nous croyons qu'il est désirable de s'appuyer sur le conseil national de la Résistance, les comités départementaux et locaux de la libération pour aider la justice dans sa lourde tâche.

Ces organismes doivent continuer à réunir des informations, provoquer des enquêtes, signaler les abus, veiller à la rapidité des procédures, surveiller la marche des procès, transmettre toute protestation éventuelle, soit directement aux autorités administratives et judiciaires, soit par la voie des commissions d'épuration ou de l'Assemblée consultative provisoire au Gouvernement lui-même.

Notre opinion est aussi qu'il faut penser aux victimes de la trahison. Nous avons le cœur serré à la pensée qu'il y a de nombreux patriotes victimes de la trahison et dont le casier judiciaire est maintenant entaché d'une ou de plusieurs condamnations.

Il est grand temps d'examiner ces cas et d'accorder réparation. Sur cette question, nous proposons la réhabilitation solennelle de tous les citoyens ainsi condamnés, le dédommagement de toutes les victimes de la répression allemande ou vichyssoise ou de leurs ayants cause et l'octroi d'une pension; la rapide revision judiciaire, par des magistrats choisis pour leur patriotisme, des condamnations prononcées depuis le début de la guerre sur des inculpations militaires ou de droit commun, déguisant en réalité des griefs politiques; la réhabilitation solennelle et le dédommagement des citoyens injustement condamnés; l'amnistie ou la grâce amnistiante pour un certain nombre de délits qui, pouvant être considérés comme justifiables ou excusables, devront être effacés par mesure d'équité ou d'apaisement.

Enfin, le plus tôt possible, nous désirerions discuter du problème de la réforme judiciaire, car bien des choses sont à réformer, si l'on veut changer un peu l'organisation, les méthodes et les textes, entre autres ceux qui concernent la législation sociale, ainsi que la législation pénale, qui repose toujours sur le principe de l'expiation.

La législation sur l'enfance délinquante a été réformée par un texte qui marque des progrès très nets.

Le régime pénitentiaire devrait être lui aussi transformé. La France doit rattraper son retard dans tous ces domaines. Mais, avant tout, pour le moment présent, il faut châtier les traîtres.

Ainsi, il est facile de conclure:

1° L'intérêt national exige que la justice agisse vite en frappant haut et ferme;

2° L'intérêt national, le prestige de la France à l'étranger, comme le maintien de l'autorité gouvernementale, exigent que cesse le scandale des poursuites engagées contre les patriotes français;

3° L'exemple de l'énergie doit venir d'en haut: épuration des services de direction de la justice, de la police, de l'armée; sanctions contre ceux qui protègent les traîtres; suppression de toutes les traces de vichysme;

4° Il faut recruter de nouveaux magistrats et ouvrir aux femmes l'accès à la magistrature;

5° Il faut renseigner l'opinion publique sur l'œuvre de la justice en s'appuyant sur les organisations de la Résistance;

6° Il faut coordonner l'action des différents ministères intéressés à l'œuvre des sanctions, notamment ceux de la justice, de la défense nationale, de l'intérieur, secteur économique. Il faut créer un commissariat général aux sanctions, qui aurait pour mission de donner des directives communes à tous les fonctionnaires chargés de la répression.

Châtier les traîtres, c'est assurer la sécurité sur les arrières des troupes françaises et alliées et sauver des milliers de vies humaines, menacées par les fauteurs de désordre et de guerre civile.

Châtier les traîtres, c'est renforcer l'union du peuple de France et assurer le calme et l'ordre républicain indispensables au travail. L'union ne peut être féconde sans le châtiment des traîtres diviseurs de la Nation.

Nos prisonniers ne comprendraient pas que les traîtres soient toujours en place à leur retour; c'est pourquoi il faut les châtier.

Comme le disait Saint-Just, la conspiration relève la tête. Faisons en sorte que par notre union et notre action nous puissions la briser à temps et terminer victorieusement la guerre pour pouvoir nous consacrer au redressement du pays.

En châtiant ses traîtres la France républicaine et démocratique renforcera son unité, qui lui permettra de retrouver sa grandeur et son indépendance et de figurer en bonne place auprès des grandes puissances alliées. (*Vifs applaudissements.*)

M. le président. La parole est à M. Depreux.

M. Edouard Depreux. — Notre Assemblée est consultative; son nom l'indique. On aime souvent le lui rappeler par des actes, on aime également le lui rappeler par des abstentions.

Nous avons eu, sur le département de la justice, une discussion assez approfondie, au mois de décembre dernier. Le moins qu'on puisse dire, c'est que la grande majorité de cette Assemblée n'approuvait pas avec enthousiasme et sans réserve la politique suivie jusqu'alors par le Gouvernement en matière d'épuration et de répression.

Lorsque, au seuil du débat d'aujourd'hui, après le magistral exposé de mon ami M. André Philip, qui avait inauguré jeudi dernier le débat sur la justice, M. le garde des sceaux a pris la parole le premier, j'avais fait un beau rêve.

Je me disais: M. le garde des sceaux connaît très exactement la position de l'Assemblée; il tient à parler le premier parce qu'il va nous exposer un programme constructif d'action gouvernementale.

J'ose dire qu'après l'avoir entendu, je ne suis pas complètement convaincu qu'il s'est engagé et qu'il va s'engager à fond dans la bonne voie et que les explications entre lui et nous sont terminées.

Je crois, monsieur le garde des sceaux, qu'après avoir entendu les différents orateurs, vous devrez remonter à la tribune, car nous avons intérêt, en toute franchise et en toute clarté, à vous poser des questions, et vous avez intérêt à y répondre.

Et puis, je tiens à dire à M. le ministre des finances que c'est avec une joie toute particulière que je le vois aujourd'hui à son banc.

Nous sommes, en effet, ici pour discuter le projet d'ordonnance portant fixation du budget général de l'exercice 1945. On a parfois un peu tendance à l'oublier, surtout quand on parle de la justice, tant il

est vrai que les débats sur la justice passionnent, d'ailleurs légitimement, l'opinion française, et en particulier l'opinion de l'Assemblée consultative provisoire.

En examinant ce budget, j'ai voulu rechercher avec passion toutes les occasions, je dirai presque, monsieur le ministre des finances, tous les prétextes à économies, rechercher s'il n'y avait pas en quelques points des inflations de personnel, s'il ne se trouvait pas des organismes parasitaires à supprimer.

Or, après avoir examiné chacun des postes du budget de la justice, si je vous disais toute ma pensée, je vous demanderais des dépenses supplémentaires. (*Très bien! très bien!*)

En vérité, avec les crédits qui ont été prévus, il n'est pas possible d'assurer pendant l'année 1945 le bon fonctionnement des services de la justice, sans lesquels il n'y a pas de gouvernement, pas de vie républicaine et nationale possibles. (*Applaudissements.*)

Sur le premier point, les naturalisations, les chiffres sont précis. Ils figurent dans le rapport de M. Bonnevay, et M. Philip les a rappelés. 200.000 dossiers sont en retard. En outre, 285.000 dossiers revisés par Vichy, avec tous les préjugés xénophobes et racistes que vous devinez, doivent être aujourd'hui de nouveau revisés, parce que, depuis lors, la France est redevenue républicaine, accueillante à ceux qui sont dignes de devenir des Français.

Il y a, en outre, un grand nombre de demandes nouvelles, au premier rang desquelles, comme le disait, l'autre jour, M. André Philip, avec tant d'éloquence émouvante, celles des étrangers que nous avons, pour notre part, d'ores et déjà naturalisés Français, parce qu'ils ont été nos frères d'armes dans la Résistance. (*Applaudissements.*)

Avant la guerre, alors qu'il n'y avait pas ces quelque 500.000 dossiers en retard, le service des naturalisations était déjà fâcheusement embouteillé, parce que le personnel était trop peu nombreux, parce que les locaux étaient trop encombrés. On a souvent dénoncé le scandale des interventions parlementaires en faveur des naturalisations. Il y avait, en effet, un scandale, c'est que les interventions parlementaires aient été indspensables pour faire sortir les dossiers.

A une exception près, dont je parlerai tout à l'heure — M. Philip, là aussi, m'a précédé fort heureusement — je ne suis pas partisan des créations de nouvelles directions. Vous pouyez très bien avoir un sous-directeur des naturalisations qui dépende, comme aujourd'hui, du directeur des affaires civiles; mais, donnez-lui une très large autonomie, donnez-lui des crédits, permettez-lui de travailler dans des conditions plus décentes! Sinon, sur ce point comme sur tant d'autres il n'y aura pas de progrès.

En continuant l'examen de ce projet de budget, j'ai éprouvé une inquiétude. Peut-être réussirez-vous à la dissiper. On a prévu des crédits pour la Haute Cour; on ne paraît pas en avoir prévu pour le fonctionnement de la commission d'instruction de la Haute-Cour. Or, cette commission aura du travail; elle devrait, dès aujourd'hui, avoir beaucoup de travail.

Vous savez, monsieur le garde des sceaux, qu'on a découvert les bagages du maréchal Pétain, cette fameuse malle qui contient tant de documents de nature à intéresser non seulement la Haute Cour, mais aussi indirectement toutes les cours de justice, par leurs répercussions.

M. Robert-Pimienta. La malle à Pétain !

M. Edouard Depreux. Cette malle, il faudrait d'abord la garder, la bien garder.

Vous n'ignorez pas, monsieur le garde des sceaux — ce sont des renseignements que j'ai puisés à très bonne source — que cette malle est arrivée ouverte dans vos services. Vous n'êtes en rien responsable de cela; mais un certain nombre de documents avaient déjà disparu. (*Exclamations.*)

Il y a beaucoup trop de documents qui, dans les différents services, disparaissent, comme on le signalait il y a un instant.

M. Auguste Gillot. On a épuré la malle. (*Sourires.*)

M. Robert-Pimienta. C'est plus facile que d'épurer les traîtres.

M. Arthur Ramette. On devrait épurer le ministère de la justice.

M. Edouard Depreux. On a épuré la malle, comme vient de le dire notre collègue dans une interruption très spirituelle.

Au début de cette séance, monsieur le garde des sceaux, vous sembliez dire qu'une partie de l'opinion — je ne sais pas laquelle — désirait qu'en matière d'épuration on n'allât pas trop vite, et vous avez réfuté les objections de cette partie de l'opinion. En ce qui concerne l'épuration de la malle, nous ne voudrions pas qu'on aille trop vite; plus exactement, nous voudrions qu'elle soit épurée par vos services seuls, sous votre responsabilité, et qu'enfin, on puisse instruire très rapidement le procès — qui ne sera pas le procès d'un « lampiste » — le procès du maréchal Pétain, qui dans la trahison a bien droit, je pense, au numéro un. (*Applaudissements.*)

C'est en 1873, que son prédécesseur, le maréchal Bazaine, a été jugé par un conseil de guerre. Je suis persuadé que, lorsque l'affaire Pétain sera poussée à fond, on s'apercevra que l'un et l'autre ont obéi au même mobile. Ce mobile s'appelle la passion partisane.

Vous savez ce que Bazaine a dit à ses juges: « Le devoir était devenu douteux, parce qu'il n'y avait plus de gouvernement au lendemain du 4 septembre. »

Ce qui lui valut cette admonestation sévère et digne d'un homme peu suspect de partialité républicaine pour Gambetta, pour les animateurs du gouvernement de la Défense nationale et de la République, puisqu'il s'appelait le duc d'Aumale: « Monsieur, il restait la France! » (*Applaudissements.*)

Il restait la France! C'est ce qu'a très exactement oublié le maréchal Pétain, lorsqu'il a éprouvé, dans les journées de juillet 1940, cette « divine surprise » célébrée par Charles Maurras, dont je parlerai tout à l'heure, qui lui a permis, à la faveur de la défaite et de la capitulation des armées de la République, d'accéder au pouvoir.

Il y a encore une partie de l'opinion qui croit au double jeu du maréchal Pétain. (*Exclamations.*)

M. André Le Troquer. Cela est devenu difficile.

M. Edouard Depreux. Il faudra qu'on démontre par un procès au grand jour quel était ce double jeu.

Supposons un instant qu'il existât: il était singulièrement criminel, il était intolérable, ce jeu au nom duquel on aurait fait tuer les soldats français en Syrie, en Afrique du Nord, contre nos alliés!

Mais, nous savons bien qu'au nom de la mystique de la France seule, on a joué la carte de l'Allemagne hitlérienne seule. Cela il faut le dire au grand jour, il faut hâter ce procès dans toute la mesure possible. Nous vous en avons déjà parlé au mois de décembre et nous y revenons aujourd'hui. Nous vous demandons, sur ce point, une réponse catégorique, précise. (*Très bien! très bien!*)

M. Pierre Bugeaud. Voulez-vous me permettre de vous interrompre, monsieur Depreux ?

M. Edouard Depreux. Volontiers.

M. le président. La parole est à M. Bugeaud, avec l'autorisation de l'orateur.

M. Pierre Bugeaud. Il existe au ministère de la justice un service qui travaille, en liaison avec un service similaire du ministère de l'information, en vue de la poursuite des criminels de guerre. Le Mouvement national des prisonniers de guerre et déportés est en rapport avec ces deux services pour l'organisation d'une exposition destinée à dénoncer à l'opinion publique les crimes nazis accomplis en France, et partant, la responsabilité des dirigeants français, c'est-à-dire des dirigeants de Vichy, dans l'accomplissement de ces crimes.

Je signale simplement à l'Assemblée que le directeur de ce service au ministère de la justice, lorsqu'il s'est agi de dénoncer le maréchal Pétain et Scapini, a déclaré à nos représentants du Mouvement national des prisonniers de guerre et déportés: « Il ne faut pas aller trop loin dans cette voie, car nous ne devons pas détruire l'autorité du chef. » (*Vives exclamations.*)

M. Robert-Pimienta. Du chef de la trahison.

M. Edouard Depreux. Mon cher collègue, nous demanderions très exactement le contraire, s'il y avait encore une autorité du chef. Mais nous pensons que celui qui, pendant quatre ans, fut à la tête de son soi-disant « Etat français », mérite d'être frappé le premier. (*Applaudissements.*)

M. Auguste Gillot. C'est le doyen des traîtres.

M. Robert Pimienta. C'est le plus coupable.

M. Edouard Depreux. C'est peut-être le doyen d'âge.

Il est un autre poste qui appelle des augmentations substantielles: je veux parler de la magistrature.

Dans son rapport, M. Bonnevay a noté la terrible crise de recrutement de la magistrature française. 370 postes sont, dit-il, sans titulaires dans les cours d'appel et dans les tribunaux; sur ce nombre, 131 vacances résultent de l'épuration. Mais pour le surplus, les postulants font défaut. Il manque 140 juges suppléants. Enfin, dans les justices de paix, le vide est plus effroyable encore. Nous sommes d'accord sur les chiffres: sur 1.197 postes, 215 sont vacants.

La première cause de cette situation est l'épuration. Or, nous avons vraiment l'impression que celle-ci n'est pas terminée. Vous nous avez dit tout à l'heure, monsieur le garde des sceaux, que vous aviez liquidé les dernières traces de Vichy. Nous n'en sommes pas du tout persuadés. Nous ne sommes pas, croyez-le bien, des mania-

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ques de l'épuration, et tous nos vœux seraient comblés, si nous pouvions ne plus prononcer ce mot, parce que l'opération aurait été totalement faite, pour le plus grand bien de la santé morale et matérielle de la France en guerre.

Mais, croyez-vous vraiment, monsieur le garde des sceaux, qu'il ne reste plus de Vichyssois dangereux dans la magistrature, alors que M. Cassagneau est encore conseiller à la Cour de cassation ?

M. le garde des sceaux. M. Cassagneau n'appartient plus à la Cour de cassation.

M. Edouard Depreux. Depuis quand ?

M. le garde des sceaux. L'arrêté le concernant est signé depuis trois jours. (*Vifs applaudissements.*)

M. André Philip, *rapporteur général.* La discussion du budget a du bon.

M. Edouard Depreux. Nous sommes ravis de la bonne nouvelle que vient de nous annoncer M. le garde des sceaux. Nous constatons avec joie que les débats au sein de cette Assemblée, toute consultative qu'elle soit, ont parfois d'heureux résultats ! (*Applaudissements.*)

Nous saluons le départ de la magistrature française de M. Cassagneau, chef de l'accusation à la cour de Riom, tout en regrettant que ce départ ait été un peu tardif. Mais, encore une fois, nous accueillons avec une joie sans mélange cette heureuse nouvelle. Soyez assuré, monsieur le garde des sceaux, que, si j'étais à mon banc, je vous applaudirais pour la première fois, aujourd'hui, avec beaucoup de joie et de ferveur. (*Vifs applaudissements.*)

M. Robert-Pimienta. Mieux vaut tard que jamais.

M. Edouard Depreux. Mais le cas Cassagneau était, pour nous, symbolique, et nous disons : malheur aux gens sans caractère et sans consistance, prêts à servir tous les régimes, prêts à se ruer avec servilité aux pieds du pouvoir et qui croient avoir libéré leur conscience de Français et de républicains quand ils ont remplacé dans leur cabinet de travail la photographie de M. Pétain par celle du général de Gaulle ! (*Applaudissements.*)

Une date limite a été fixée pour l'épuration. Le conseil des ministres a fait paraître à ce sujet un communiqué dont on nous a déjà donné plusieurs interprétations différentes. Tout à l'heure, M. le garde des sceaux a semblé nous dire qu'il s'agissait simplement d'un vœu pieux et que l'épuration pourrait peut-être continuer après la date indiquée. C'est ainsi que j'ai compris vos paroles, monsieur le garde des sceaux. En tous cas, je vous pose nettement la question : qu'a signifié exactement la décision prise par le conseil des ministres sur ce point ?

Notre rapporteur général vous disait l'autre jour : « On n'a plus le respect de la justice, on n'a plus le respect de la magistrature. » Et, dans plusieurs autres circonstances, j'ai entendu M. Philip proclamer avec beaucoup de force : « On ne respecte que ce qui est respectable. » (*Très bien ! très bien !*)

Beaucoup de magistrats sont respectables. On a, dans cette séance, évoqué la mémoire de certains d'entre eux qui sont tombés au champ d'honneur de la Résistance française, au premier rang desquels figure le frère de M. le ministre du travail, mon ami le substitut Parodi, un des fondateurs du groupe « Libération » en zone Nord. (*Vifs applaudissements.*)

Parodi n'a pas été fusillé.

M. André Le Troquer. Il a été assassiné.

M. Edouard Depreux. Il a été atrocement torturé par les brutes hitlériennes dans sa cellule de Fresnes et il est mort assassiné. C'était, hélas ! le pire risque que couraient les gens de la Résistance. Parodi a sauvé l'honneur de la magistrature. Beaucoup d'autres, comme lui, ont combattu dans le maquis, beaucoup d'autres ont été des résistants, et nous aurions été ravis de penser que l'avènement de la IVe République, c'était, dans le domaine judiciaire, l'avancement donné à ce qu'on pourrait appeler « la promotion de la Résistance » (*Applaudissements*), de la Résistance qui n'est pas une coterie, qui n'est pas un clan, une petite chapelle se recrutant plus ou moins par cooptation, mais qui comprend, à Paris comme en province, tous ceux qui, à un moment donné de leur carrière, publiquement ou d'une manière plus détournée, ont rendu des services éclatants à la cause française en sabotant les ordres, les instructions et les désirs du gouvernement hitlérien et du gouvernement de Vichy. (*Nouveaux applaudissements.*)

Mais il est d'autres magistrats dont le moins que je puisse dire, avec le souci de modération qui s'impose à cette tribune, et avec le sens très exact de mes responsabilités, c'est que je n'ai nulle envie de les respecter. Ils ont servi Vichy. Certains avaient été des républicains avancés qui avaient flirté quelque peu en 1936 avec le Front populaire. Ils en sont doublement méprisables. (*Très bien ! très bien !*)

Aussi vous demandons-nous une épuration des caractères, et qui ne s'accomplisse pas seulement aux postes importants. Dans la magistrature, tous les postes sont importants : un juge de 3e classe et un substitut ont des responsabilités qui peuvent être de premier plan ; tous les justiciables ont les mêmes intérêts : un justiciable de Paris ou de Barcelonnette a droit aux mêmes garanties de justice et — l'affaire Stavisky l'a prouvé — une très grosse affaire peut éclater en province. Par conséquent, vous avez le droit et le devoir d'exiger d'avoir partout des magistrats dignes de ce nom.

Mais comment allez-vous les recruter ? M. le rapporteur général a cité les chiffres du rapport de M. Bonnevay : 73 candidats seulement reçus au concours d'entrée de 1942 ; un peu plus, 109, en 1943 ; et, en 1944, c'est une terrible rechute : 44 candidats seulement. A l'examen professionnel des juges de paix se sont présentés : 174 candidats en 1941, 79 en 1942 ; 62 en 1943 ; 34 en 1944, sur lesquels 78 ont été admis en 1941, 38 en 1942, 24 en 1943.

D'où provient cette situation ? Elle a, d'après M. Bonnevay, trois causes que nous allons, si vous le voulez bien, passer ensemble en revue : prestation de serment au gouvernement de Vichy ; traitements insuffisants ; suspension de l'inamovibilité par le gouvernement de Vichy.

Ne parlons pas de la prestation de serment ; le dégât est réparé. Sur ce point, vous avez rompu pleinement avec l'esprit vichyssois. Vous n'exigez plus du tout de vos magistrats, du moins d'une manière explicite, le moindre serment de fidélité à l'esprit de Vichy, et je suis sûr qu'au fonds de vous-même, monsieur le garde des sceaux, vous ne désirez pas qu'aucun magistrat prête un serment secret de fidélité posthume à Vichy ? (*Sourires.*)

Sur le deuxième point, celui des traitements, nous tenons à vous rendre, monsieur le ministre des finances, un premier hommage. Il est incontestable qu'à la demande de la Fédération des fonctionnaires le gouvernement de la République a su revaloriser, dans une large mesure, les traitements de l'ensemble des fonctionnaires. Nous vous en félicitons de tout cœur ; mais ce n'est pas seulement cette revalorisation que nous vous demandions en ce qui concerne les magistrats, c'était essentiellement leur reclassement.

On ne l'a pas fait. Il y a là une grave erreur morale. Par un subterfuge, comme on a amélioré les traitements des magistrats en même temps que ceux des autres fonctionnaires, on a pu éluder la question ; mais je suis persuadé qu'elle n'est pas résolue.

Voici quelques comparaisons. Aujourd'hui, comme hier, le président du tribunal d'une petite ville de province gagne très exactement la moitié de ce que gagne le sous-préfet ; un juge d'instruction gagne à peine les deux tiers de ce que gagne un commissaire de police.

Je ne suggère pas de diminuer le traitement du sous-préfet ou du commissaire de police, mais je vous demande, dans l'intérêt supérieur de la justice, d'augmenter sensiblement les traitements des magistrats comme, je le suppose, d'autres collègues vous demanderont le même reclassement en faveur des trois degrés de l'enseignement. (*Très bien ! très bien !*)

L'opinion publique connaît mal cette question. Sait-elle, par exemple, qu'en 1939 le traitement de début d'un juge suppléant était en France de 17.000 fr. par an ?

Le traitement d'un juge substitut de troisième classe était de 22.000 francs ; celui d'un juge d'instruction de troisième classe, de 24.000 francs. A ces chiffres s'ajoutait simplement une indemnité de résidence annuelle de 400 à 2.000 francs.

M. André Le Troquer. On ose à peine y croire.

M. Edouard Depreux. Un juge au tribunal de la Seine touchait 52.000 francs ; un juge d'instruction à Paris, qui a l'énorme responsabilité que vous savez et qui a déjà fait de larges pas dans la carrière, touchait 58.000 fr.

Ainsi, non seulement les magistrats français étaient les plus mal payés de tous les fonctionnaires français, mais j'ose dire qu'ils étaient les plus mal payés du monde.

Savez-vous quels étaient les traitements en Angleterre en 1939 ? Le plus haut magistrat anglais, le lord chief justice, touchait 8.000 livres par an, soit, au taux de 175 fr. par livre, 1.400.000 francs. Le maître des rôles gagnait 6.000 livres, soit 1.050.000 francs, et tous les autres magistrats, quel que soit leur poste à la cour suprême, avaient 5.000 livres, soit 875.000 fr. Les juges de la Haute Cour appelés à tenir en province des audiences de cours d'assises, jugeant en matière pénale ou civile, touchaient une indemnité de déplacement de 7 livres et demie par jour, soit 1.312 fr. La retraite annuelle du lord chief justice était de 4.500 livres, soit 787.500 fr. Tous les autres magistrats avaient 3.500 livres, soit 612.500 fr. Les juges de cours de comtés, qui correspondent à nos juges de paix, bénéficiaient d'un traitement annuel de 1.300 livres, soit 227.500 fr., plus les frais de déplacement. Les retraites sont également, en principe, fixées aux deux tiers des traitements d'activité.

En France, depuis la Révolution, aucun régime n'a voulu ou n'a pu payer décemment les magistrats. Seul, peut-être, Napoléon, à un certain moment de sa carrière, a vu la gravité et l'importance du pro-

blème. Il a d'ailleurs été impuissant à le résoudre et cela condamne son régime parce que l'Empire, de guerre en guerre, de victoire en victoire, devait l'amener naturellement, suivant la loi inéluctable des grands empires qui, aujourd'hui, nous réconforte, à Waterloo.

Le comte Molé, futur président du conseil sous Louis-Philippe, était jeune auditeur au Conseil d'Etat en 1806, lorsqu'on a discuté le fameux rapport de Fourcroy sur l'enseignement. L'Empereur y prit la parole et déclara:

« La puissance civile ne peut se composer désormais que du corps qui aura la mission de former la jeunesse et de la magistrature chargée de rendre la justice et de faire exécuter les lois. Pour cela, il faut les attirer dans ces deux carrières par l'espérance d'une grande considération et d'une grande fortune. »

Et encore:

« Quant aux magistrats, cet ordre, aujourd'hui, n'offre rien à l'espérance; il faut qu'un juge qui travaille gagne beaucoup plus que celui qui ne fait rien. Tout naturellement, il faut qu'il ressorte du rôle qu'un juge travaillant beaucoup puisse gagner 25.000 fr. par an. Il y a en France vingt-sept cours d'appel. Il faut que les places de premiers présidents et de procureurs impériaux près ces cours soient de très grandes places. »

Je ne demande à M. Pleven ni le traitement anglais ni le traitement envisagé par Napoléon, car 25.000 fr. en 1806 pour tous les juges représentaient un traitement beaucoup plus considérable pour les chefs de parquet et les chefs de cour. Cela vous laisse rêveur, monsieur le ministre des finances. Mais, rassurez-vous: nous avons le sentiment du possible; nous vous demandons simplement de méditer avec nous sur ces chiffres et de faire un effort très substantiel.

Nous ajouterons un argument à celui que donnait Napoléon: les magistrats ne doivent pas représenter une seule classe de la société. (*Applaudissements.*)

A-t-on oublié les parlementaires de l'ancien régime ? Je sais bien qu'ils n'ont pas hésité, en plus d'une circonstance mémorable, à se dresser contre le pouvoir royal; mais, loin de représenter alors une force répressive, ils n'étaient animés que par le souci de défendre leurs privilèges, l'intérêt particulier et non pas l'intérêt collectif.

Il faut aller au fond du problème: on a voulu, dans certains milieux, des magistrats mal payés pour avoir une magistrature au service d'une classe sociale. (*Très bien! très bien!*)

Je n'exagère rien. Cela résulte des paroles d'un bourgeois bourgeoisant et militant s'il en fut, de M. Thiers lui-même.

M. Thiers, rapporteur général du budget pour l'exercice 1832, disait, le 30 décembre 1831:

« Tout le monde reconnaît la modestie des émoluments de la magistrature. Ces émoluments sont tels, en général, qu'il n'y a que les jeunes gens pourvus d'une certaine portion de patrimoine qui puissent trouver dans cette carrière le moyen d'exister, et il ne faut pas le regretter car il est bon que la magistrature ait une certaine indépendance. On ne peut pas donner à la propriété de meilleurs juges que la propriété elle-même. Nous sommes donc loin de regretter cet état de choses. »

Pour des raisons exactement symétriques, nous regrettons, nous, cet état de choses, car nous ne voulons pas qu'on donne à la propriété les meilleurs juges possible; nous voulons qu'on donne à la nation tout entière les meilleurs juges possibles recrutés, sans distinction d'origine, parmi les jeunes gens les plus méritants dans toutes les classes de la société. (*Applaudissements.*)

Et M. Thiers employait l'expression « indépendance de la magistrature ».

Sur ce point, il faut s'expliquer. Indépendance vis-à-vis de qui ? Je sais très bien que, nourri dans la tradition de Montesquieu qui voyait dans le principe tutélaire de la séparation des trois pouvoirs: exécutif, législatif et judiciaire, la charte fondamentale de la liberté, l'opinion républicaine a tendance à répondre: d'abord, vis-à-vis du pouvoir.

Nous disons, nous: vis-à-vis du pouvoir, mais aussi vis-à-vis de la misère et des tentations. Nous pensons qu'au XX° siècle, la véritable indépendance doit être une indépendance économique en même temps que politique.

Nous ne vous demandons pas seulement de recruter les magistrats dans tous les milieux sociaux. Nous vous demandons de les mieux recruter qualitativement; d'exiger d'eux, non seulement plus de garanties morales, mais plus de culture générale et une plus grande valeur professionnelle. La licence en droit et le stage de deux ans exigés par la loi du 20 avril 1810 ne suffisaient pas jusqu'ici à une sélection sérieuse, pas plus d'ailleurs que l'examen infiniment trop facile qui a été prévu par les décrets de 1808 et les décrets de 1841. Le niveau des concours, vous le savez, est spécialement bas depuis quelques années; d'abord, parce qu'il n'y a pas assez de concurrents, ensuite parce qu'on n'a pas su attirer les jeunes gens de valeur en leur offrant cette rémunération décente que nous vous demandions tout à l'heure.

Ce recrutement, il faut l'élargir, vous l'avez dit vous-même, par l'apport d'avocats. C'est une tradition de tous les régimes. Au lendemain de la révolution de 1830, Dupin, bâtonnier de l'ordre des avocats à la cour de Paris, fut nommé d'emblée procureur général à la cour de cassation.

Sous la deuxième République, il y a le cas classique de Sénart qui vint présider le fameux banquet réformiste de Rouen et qui est devenu d'emblée procureur général près la cour d'appel de la même ville.

Sous l'Empire, Chaix d'Est Ange, le prestigieux avocat d'assises, a été nommé, en 1857, procureur général près la cour impériale de Paris.

Mais il ne faut pas voir seulement l'histoire; il faut, une fois de plus, regarder vers l'Angleterre. Dans ce pays, les juges sont choisis parmi les avocats qui ont acquis, par une grande expérience du barreau, une situation morale considérable. Ils arrivent, vers l'âge de quarante ans, à l'unique tribunal de première instance et à l'unique cour d'appel qui constituent l'organisation judiciaire si profonde et démocratique, c'est-à-dire à l'âge d'homme mûr.

Vous voyez aussitôt le double avantage du système: infusion périodique à la magistrature d'un sang nouveau, utilisation rationnelle de l'élite du barreau.

Et puisque vous n'avez pas assez de magistrats, pourquoi ne prenez-vous pas tout de suite une ordonnance prévoyant l'accès des femmes à la magistrature ?

Un certain nombre de nos collègues, sous l'initiative de Mme Marianne Verger, ont déposé sur le bureau de l'Assemblée une proposition de résolution dans ce sens. Croyez-vous que les hommes aient tellement bien jugé jusqu'à présent qu'ils aient le droit de dire que l'accès de cette profession doit être interdit aux femmes ? (*Applaudissements.*)

Croyez-vous, surtout, qu'aux tribunaux pour enfants, non pas dans quelques mois, non pas dans quelques semaines, mais demain même, les femmes ne pourraient rendre de signalés et éclatants services ?

Vous semblez m'approuver, monsieur le garde des sceaux ? Alors, il ne doit pas y avoir loin de l'approbation à la réalisation, et je puis vous demander d'aller un peu plus vite pour prévoir l'accès des femmes à la magistrature que pour débarrasser, par exemple, la cour de cassation d'un quelconque chef de l'accusation à Riom. (*Sourires.*)

Vous ne manquez pas seulement de magistrats, vous manquez trop souvent d'auxiliaires de la justice, de greffiers. Pourquoi ne pas profiter de l'occasion pour nommer des greffières qui, bien entendu, à salaire égal pourraient vous rendre les mêmes services que les greffiers ?

M. le garde des sceaux. C'est fait. Une ordonnance du mois de décembre permet d'engager des femmes dans les greffes.

M. Edouard Depreux. Alors nous vous demandons d'utiliser à fond cette ordonnance et de ne pas prévoir seulement la possibilité d'employer des femmes dans les greffes, mais de fixer un statut des greffières identique à celui des greffiers.

M. Charles Laurent, *président de la commission des finances.* Il faut prévoir un nouveau statut modifiant l'organisation des greffes.

M. Edouard Depreux. Enfin, M. Bonnevay voyait une troisième cause de la crise du recrutement de la magistrature dans la suspension de l'inamovibilité sous Vichy.

L'inamovibilité est un grave problème. Il faudrait d'abord avoir le courage de regarder les choses en face et de bien différencier les magistrats du parquet des magistrats du siège. Il est normal, honnête, indispensable que la subordination des magistrats du parquet au ministre de la justice soit nettement proclamée au grand jour. La démocratie ne doit pas être confondue avec le pharisaïsme, la timidité, la crainte ou la pusillanimité. Le ministre responsable devant le Parlement, lui-même mandataire du peuple souverain, telle est la règle du jeu en régime représentatif normal, et refuser à un ministre républicain d'avoir en main ses procureurs généraux et ses procureurs de la République serait tourner le dos aux nécessités de la démocratie moderne et faire le jeu des protagonistes de la dictature.

Mais, en ce qui concerne les magistrats du siège, il faudra revenir à la règle tutélaire de l'inamovibilité, dès que les circonstances le permettront. Comme le proclamait Dupin, sous la Monarchie de juillet: « Un juge qui craint pour sa place ne rend plus la justice. » Il convient d'affranchir le juge de la crainte et de l'espérance, de lui permettre de ne point descendre du tribunal à moins qu'il ne soit convaincu d'avoir trahi les devoirs qui lui sont imposés, selon la belle formule du doctrinaire Royer-Collard, grand théoricien de la magistrature sous la Restauration et qui, d'ailleurs, n'avait pas omis de pratiquer lui-même l'épuration puisque, de 1815 à 1818, il élimina des cours royales 294 magistrats du siège, dont 15 premiers présidents et 40 présidents de chambre.

Vous avez pensé, Monsieur le garde des sceaux, à un moyen d'augmenter le nombre des magistrats disponibles, surtout pour les cours de justice, sans accroître l'effectif absolu des magistrats, par la pratique du juge unique. Cette suggestion avait été formulée, lors du dernier débat, par quelques-uns d'entre nous, qui faisaient état d'un certain nombre d'expériences.

Le juge unique a déjà fonctionné en matière de loyers, de référés, de conciliations de divorce où le président doit prendre des mesures très délicates, parfois même plus importantes que le fond du procès, puisqu'elles concernent, par exemple, l'attribution de pensions alimentaires ou la garde des enfants.

Nous savons que les juges d'instruction constituent depuis longtemps à eux seuls une juridiction de jugement, puisqu'ils ont la possibilité de renvoyer soit en police correctionnelle, soit devant la cour d'assise, soit de conclure par une ordonnance de non-lieu, soit d'ordonner ou de rejeter la liberté provisoire.

Les juges de paix sont des juges uniques qui ont donné entière satisfaction, et nous suggérons incidemment que, si vous étendiez leur compétence, vous ne rencontreriez, du côté de l'Assemblée, aucune difficulté aucun ennui — c'est le moins qu'on puisse dire. (*Très bien! très bien!*)

Mais vous avez peut-être été un peu vite; selon nous, il ne fallait pas réaliser cette réforme du juge unique d'une manière absolue, sans aucune discrimination et en dehors d'un plan général de réforme de la magistrature. (*Applaudissements.*) En même temps que vous créiez le juge unique, il fallait modifier les conditions de recrutement et d'avancement.

Pourquoi le système du juge unique fonctionne-t-il en Angleterre à la satisfaction générale ? Parce que les magistrats sont des hommes dans la force de l'âge, très expérimentés et parce qu'ils n'ont plus rien à attendre du pouvoir dans le domaine de l'avancement.

Par notre expérience des tribunaux et des cours, surtout de province, nous savons que la règle de la collégiabilité avec le secret absolu des délibérés peut, dans une large mesure, constituer une garantie d'indépendance vis-à-vis du pouvoir comme des forces économiques.

Ne tremblez-vous pas, monsieur le garde des sceaux, vous qui avez la responsabilité d'administrer la justice républicaine en 1945, à la pensée que des jeunes gens de 23 ans, avec le frêle bagage d'une licence en droit et d'un concours facile entre tous les concours, vont pouvoir disposer seuls des biens, de la vie, de l'honneur et de la liberté de leurs concitoyens ? Je vous pose la question; je suis sûr que vous éprouverez ces mêmes scrupules de conscience.

M. Labrousse. La forme dans laquelle le décret a été pris n'est pas républicaine. Il s'agit d'une réforme de structure.

M. Edouard Depreux. C'est une question de fond, qui engage tout le débat de la réforme de structure.

M. le rapporteur général. Il est républicain de faire des réformes de structure.

M. Labrousse. Mais l'Assemblée n'a pas été consultée.

M. Edouard Depreux. D'autre part, monsieur le garde des sceaux, pour la formation même du magistrat, le délibéré est une excellente école. Le premier président du tribunal et les juges plus expérimentés opinent les premiers. Ils apprennent au jeune magistrat son métier.

Je vais vous faire une confidence. J'ai appris, un jour, il n'y a pas si longtemps — c'était vers la fin de 1937 — que même à la Cour de cassation cette expérience du délibéré était absolument indispensable.

Un jour, le premier président de la Cour de cassation avait réuni tous les présidents de chambres dans le cabinet d'un de vos prédécesseurs, dont j'étais le collaborateur intime et fraternel; il leur avait posé ce problème : le ministre des finances ne nous accorde pas volontiers de crédits : c'est une tradition. Nous voudrions que la Cour de cassation pût expédier ses affaires plus rapidement. Ne croyez-vous pas qu'on pourrait résoudre le problème en augmentant le nombre des chambres de la Cour de cassation, mais en diminuant le nombre des magistrats attachés à chacune d'elles, puisqu'il y en a 18, 20 ou 25 ?

Et le procureur général, le premier président et tous les présidents de chambre de dire : Cette expérience présenterait un inconvénient certain, parce que les magistrats nouvellement nommés à la Cour de cassation doivent très longtemps se taire dans les délibérés, écouter parler les anciens avant de connaître eux-mêmes leur métier. Il y a là encore un stage à faire.

J'en ai tiré cette conclusion pratique qu'il valait mieux ne pas nommer trop tard les magistrats à la Cour de cassation, de manière qu'ils puissent commencer leur stage avant d'être suspendus à cause de la prostate ou de quelque autre inconvénient similaire. (*Sourires.*)

Enfin, pour réaliser des économies, vous avez pensé à supprimer un certain nombre de petits tribunaux. Là encore, nous sommes obligés de vous dire que nous ne pouvons pas être complètement d'accord. L'expérience a déjà été tentée en 1926 par M. Poincaré : tous les gens informés vous diront qu'elle a surtout prouvé à quel point un grand avocat de Paris pouvait ignorer les besoins de la province.

Il ne faut pas éloigner la justice du justiciable. Il faut, au contraire, tout faire pour les rapprocher. Dans les pays de montagne, par exemple, il y a des tribunaux qui n'ont pas l'air d'avoir une bien grande activité. Mais, si vous en supprimez quelques-uns, vous rendez la pratique de la justice presque impossible et terriblement onéreuse, même pour les finances publiques, car il y a l'éloignement de la prison et du tribunal, et les témoins perdent des journées entières pour aller déposer. Il faut, par conséquent, agir avec une très grande prudence dans ce domaine.

Vous avez dit que vous aviez l'intention de réformer le code de procédure civile. Nous aurions aimé avoir quelques précisions sur ce point. Nous pensons, en effet, que la procédure française est archaïque, périmée et qu'il convient de la rajeunir, que nos vieux codes poussiéreux ont besoin d'être aérés. Depuis Napoléon, quelques transformations se sont produites dans les mœurs et dans l'économie. Ce qui était peut-être parfait au temps de Napoléon ne l'est plus aujourd'hui.

M. Charles Laurent, qui connaît bien la question, a évoqué la réforme des greffes. Cette réforme de structure n'est pas profonde, mais, si vous supprimiez tout intermédiaire entre les justiciables et l'Etat, vous feriez faire un grand progrès à l'organisation moderne de la justice, en même temps qu'à la probité tout court.

Tout cela, pour vous dire qu'il vous reste une tâche immense à accomplir dans l'œuvre de justice républicaine de la France libérée.

Nous sentons plus que jamais la nécessité d'une main plus ferme et plus énergique pour maintenir le moral du pays.

A quoi bon le dissimuler : le malaise que nous avons signalé au mois de décembre dernier persiste. Comme pour l'épuration, on a fixé une date limite pour la répression des faits susceptibles d'entraîner la peine de mort.

Je sais bien que le communiqué du conseil des ministres a été mal interprété. C'est peut-être parce qu'il n'était pas rédigé d'une manière très cartésienne. Nous vous demandons de bien vouloir nous donner des apaisements à ce sujet.

La première conséquence de ces inquiétudes, c'est que, dans beaucoup de villes de province, des faits infiniment regrettables se sont produits. Des personnes qui étaient persuadées que la justice ne sévirait plus à partir d'une certaine date se sont ruées sur les prisons et ont commis des actes qu'elles n'auraient pas dû commettre. Nous les déplorons, nous les flétrissons; mais, si vous voulez connaître toute notre pensée, je dirai que vous n'avez peut-être pas fait l'impossible pour les éviter.

Il y a trop de différences dans les condamnations ! Quand nous apprenons que la secrétaire de Jean-Hérold Paquis est condamnée aux travaux forcés à perpétuité et que M. Charles Maurras est condamné à la réclusion perpétuelle, nous sommes, comme l'opinion publique, profondément troublés. Vous répondez : cela dépend des jurés. Certes, les jurés sont tous des patriotes. Je m'en porte garant : je sais comment ils sont recrutés et sur la proposition de qui ils sont nommés. Mais d'un jury à l'autre, il y aura nécessairement des jurisprudences différentes. Encore faut-il ne pas prendre de mesures pour accentuer ces divergences. Or, dans le cas de la secrétaire de Jean-Hérold Paquis, qui n'était peut-être pas aussi coupable que son patron de ses pronostics sur la nouvelle guerre punique et la nécessaire destruction de la nouvelle Carthage, le commissaire du Gouvernement a requis non seulement les travaux forcés à perpétuité, mais la mort.

Méfiez-vous toujours des néophytes ! Méfiez-vous de ceux qui ont quelque chose à se faire pardonner. (*Très bien! très bien !*) Méfiez-vous des gaullistes de la treizième heure. Demandez-vous si, dans leur passé, ils n'ont pas requis avec trop de férocité devant la onzième chambre du tribunal correctionnel contre des malheureux qui avaient acheté une carte de pain

M. Robert-Pimienta. Ou devant la section spéciale !

M. André Le Troquer. Certains ont été féroces.

M. Edouard Depreux. Demandez-vous si, dans les audiences de Vichy, ils n'ont pas, publiquement, pour flatter les puissances du jour, fait preuve d'un antisémitisme, larvé d'abord, accentué ensuite, antisémitisme qui, bien entendu, s'est singulièrement atténué aux grands jours de Stalingrad et d'El-Alamein. (*Applaudissements.*)

En ce qui concerne Charles Maurras, vous ne serez pas étonné que je vous demande de répondre à une question précise.

Je veux oublier des faits d'avant la guerre. Je veux oublier l'assassinat de Jaurès, c'est-à-dire de l'homme qui a exercé la plus grande influence sur ma formation morale et intellectuelle et, par conséquent,

sur la direction de ma vie. Je veux oublier le couteau de cuisine dont ont été menacés mes amis et, singulièrement, le meilleur d'entre eux, ainsi que les hommes les plus représentatifs de cette démocratie chrétienne à laquelle vous êtes attaché et qui constituait pour Charles Maurras une sorte d'injure permanente et personnelle. Je veux oublier les manchettes imbéciles de *l'Action* prétendue *française*, réclamant tous les jours: « La France seule », à tel point qu'on se demandait s'il ne rêvait pas, pour garder cette pureté chimique, de je ne sais quelle construction monstrueuse d'Amérique, d'Angleterre et d'Allemagne pour préserver la France de tout contact. Je veux oublier tout cela. Mais je sais que, par passion politique, sous l'occupation hitlérienne, M. Charles Maurras a dénoncé un certain nombre de patriotes dans *l'Action française*.

Nous avons appris que l'un de ces patriotes, M. Worms, qui appartient à une famille ayant quelques titres dans la Résistance, puisqu'elle est celle du capitaine Stéphane, l'un des plus glorieux libérateurs de Paris, après avoir subi lui-même l'oppression dans les prisons de Vichy, et alors que plusieurs membres de sa famille se trouvent également déportés en Allemagne aujourd'hui, avait été assassiné le 6 février 1944. Un article faisant appel à son assassinat est paru dans *l'Action française* du 2 février 1944.

Pendant les débats à Lyon, un télégramme du parquet de Draguignan, retransmettant une information du parquet de Nice, a fait savoir que l'assassinat était probablement antérieur à l'article. Et, aussitôt après les débats, est arrivé un télégramme rectificatif affirmant qu'il s'agissait d'une erreur. (*Mouvements divers.*)

Voilà les faits, tels que nous les avons appris les uns et les autres par la presse.

M. Marc Rucart. C'est le fait nouveau qui justifie une revision.

M. Edouard Depreux. Je ne pense pas qu'il soit difficile de savoir la date d'un article de journal. Je suppose que l'article de l'*Action française* se trouvait dans les dossiers. Ainsi on peut constater qu'il était du 2 février. Est-il difficile de savoir la date de l'assassinat de Worms? Cela ne me paraît pas plus difficile. Le 6 février, date symbolique!

Alors, comment pouvez-vous expliquer qu'il ait fallu à Lyon un télégramme de Draguignan relayant une information de Nice pour apporter cette information fantaisiste, qui a eu une influence considérable sur la décision du jury lyonnais? En présence de tous ces faits, à quelle enquête avez-vous procédé? Vous avez reçu, si mes informations sont exactes — et j'ai des raisons de croire qu'elles le sont — un rapport du commissaire du Gouvernement près la cour de justice de Lyon.

Je vous pose deux questions. Tout d'abord, quelles sanctions avez-vous prises contre le ou les coupables de la propagation de cette fausse nouvelle: l'expéditeur du télégramme, par exemple, les informateurs de cet expéditeur, s'il est de bonne foi? Il faudra vous expliquer sur ce point.

Et puis, on a parlé d'un fait nouveau donnant matière à un procès en revision. Avez-vous examiné les possibilités techniques de ce procès en revision?

Vous avez, en tous cas, une bonne manière de vous en tirer. Les assassins de M. Worms se trouvent aujourd'hui à Lyon. Ils vont être jugés prochainement. Qu'est-ce qui vous empêche de faire inculper M. Maurras de complicité pour son article, qui est bien du 2 février, alors que l'assassinat est du 6?

Monsieur le garde des sceaux, je vous assure que la question est grave.

Elle vaut une réponse précise. Il ne s'agit pas de nous dire que vous êtes plein de bonne volonté, que vous ferez pour le mieux. Il faut nous dire, pratiquement, brutalement: j'ai pris ou je prendrai telle ou telle sanction; et ensuite: j'ai donné des instructions très nettes pour l'ouverture d'une information aboutissant à des conclusions précises.

Ne laissez pas dire, monsieur le garde des sceaux, que la IVe République était belle sous Vichy et à l'époque héroïque de la clandestinité! Ne laissez pas aller l'opinion de ce pays de déception en déception.

On a évoqué le drame atroce de la rue de Buci. Je peux vous affirmer que plusieurs participants de ce drame n'étaient pas du tout des terroristes, mais de jeunes patriotes. L'un d'eux était le fils d'un de mes excellents amis, haut fonctionnaire du ministère des finances. Après avoir été condamné aux travaux forcés à perpétuité, il a été exécuté par les hitlériens. Le père et le frère aîné ont été arrêtés comme otages et ont failli être fusillés à leur tour, à la suite de l'atroce affiche que nous avons vue sur les murs de Paris, annonçant que désormais les S.S. allaient prendre des otages parmi les parents jusqu'au degré de cousin et de beau-frère.

Ces gens étaient des patriotes, mus par le plus noble idéal français. Si, aujourd'hui, ils voient qu'on ne peut pas réviser, sous la République triomphante, les décisions de Vichy, quelles déductions en tireront-ils?

Vous avez rappelé, en conclusion du précédent débat, une apostrophe d'un de vos prédécesseurs au ministère de la justice: Danton. Il y a quelque temps, notre collègue M. Paul-Boncour, aux applaudissements, vifs et répétés, des quatre-cinquièmes de l'Assemblée, évoquait les sauvages ardeurs du Comité de salut public. Il y a des circonstances où il faut se souvenir de la Convention nationale, qui sut galvaniser le courage et l'énergie indomptables des soldats de l'an II, qui combattirent, selon l'expression immortelle de Jaurès: « avec un fusil dans les mains et le grand éclair de *La Marseillaise* dans les yeux ».

Si les victoires de Fleurus et de Jemmapes ont été possibles, c'est parce qu'à l'arrière, on avait su châtier d'une manière inexorable les traîtres et les trafiquants du marché noir.

Nous ne demandons pas d'établir la guillotine en permanence sur la place de la Concorde. Autres temps, autres mœurs! Nous savons très bien qu'à cause même des conquêtes de cette Révolution française, aujourd'hui, dans tous les pays civilisés, on exige un certain nombre de garanties, non seulement pour les innocents qui pourraient être victimes d'erreurs judiciaires, mais même pour les présumés coupables.

Seulement, nous n'avons pas l'impression que cette vigueur soit décisive dans l'épuration ni qu'elle corresponde à un plan précis. Nous ne savons même pas non plus quels seront les faits visés et ceux qui ne le seront pas.

Nous vous supplions de nous donner, sur ce point, les explications que vous ne nous avez pas fournies aujourd'hui.

Je voudrais maintenant traiter très brièvement de l'administration pénitentiaire.

Votre budget est apparemment [illegible] parce que l'administration pénitentiaire [illegible] de nouveau rattachée à la justice. Vi[illegible] contrairement à la tradition républica[illegible] avait confié l'administration pénitent[illegible] au ministère de l'intérieur et, peu apr[illegible] la milice de Darnand. Nous nous réj[illegible] sons, bien entendu, de ce retour de [illegible] ministration pénitentiaire à la justice, [illegible] nous sommes pris d'inquiétude en ap[illegible] nant que la population pénitentiaire [illegible] passée de 18.000 détenus en 1939 à 5[illegible] de nos jours, ce qui pose un cer[illegible] nombre de problèmes.

Nous connaissons la faillite éclatant[illegible] nos anciennes méthodes pénitentiaires [illegible] comme le disait si noblement M. A[illegible] Philip devant cette Assemblée, dont [illegible] de membres ont connu les rigueurs d[illegible] prison, « la peine de prison ne doit [illegible] porter ni la tuberculose, ni la gale ob[illegible] toires ». Nous voudrions que ce vœu [illegible] repris et nettement exprimé par tous. *plaudissements.*)

Nous voulons plus d'hygiène dans [illegible] prison normale. Si des individus ont [illegible] mis des délits ou des crimes, qu'ils [illegible] soient inexorablement punis en vertu [illegible] textes légaux sans avoir à subir l'at[illegible] promiscuité des prisons.

En ce qui concerne l'éducation sur[illegible] lée, qui était jusqu'ici un rameau de [illegible] ministration pénitentiaire, nous vous [illegible] citons de votre ordonnance du 2 fé[illegible] 1945. Ce n'est pas là chose nouvelle [illegible] c'est le retour à la tradition de 1936, [illegible] l'on évoquait à l'instant dans cette [illegible] ceinte, le retour à la grande tradition, [illegible] de deux mais de trois gardes des sce[illegible] réformateurs, MM. Yvon Delbos, Marc[illegible] cart et Vincent Auriol (*Très bien! [illegible] bien!*), c'est le retour à la grande t[illegible] tion du gouvernement de M. Léon B[illegible] c'est le retour aux propositions qui ont[illegible] faites en 1937 par le député Campi[illegible] dont nous regrettons tous, hélas! [illegible] sence à l'heure où la France a besoi[illegible] tant de républicains et de patriotes ép[illegible] vés (*Applaudissements*), et où nous re[illegible] naissons, d'ailleurs, la marque génér[illegible] de celle qui fut sa compagne dans les l[illegible] comme dans les mauvais jours. (*Nouve[illegible] applaudissements.*)

J'ai visité, en 1937, toutes les mai[illegible] d'éducation: Belle-Isle-en-Mer, Ani[illegible] Eysses, d'où j'ai rapporté des visions [illegible] tesques et un souvenir atroce, Sain[illegible] laire, Saint-Maurice, où, au contraire, [illegible] nouvelle expérience se déroulait dan[illegible] joie et en plein succès, où l'ancienne [illegible] son cellulaire avait été démolie et rem[illegible] cée symboliquement par un atelier [illegible] dèle; Chanteloup, pour les bambins [illegible] moins de treize ans, où j'ai vu un ma[illegible] fique domaine; Saint-Jodard, dans [illegible] Loire, où nous pensions déjà, à cette [illegible] que, mon cher monsieur Philip, faire [illegible] expérience dans un cadre particulièrem[illegible] adéquat.

J'ai vu, pour les filles, les maisons [illegible] Doullens, de Cadillac, de Clermont, cell[illegible] plus horrible encore que celle d'Ey[illegible] pour les garçons.

M. le rapporteur général. Elle a été [illegible] mée par M. Vincent Auriol.

M. Edouard Depreux. J'ai interrogé [illegible] directeurs, les surveillants et même [illegible] détenus. J'ai parcouru les dossiers et [illegible] fiches de presque tous les enfants. Je s[illegible] arrivé à conclure que la quasi-totalité [illegible] enfants étaient physiquement déficie[illegible] matériellement ou moralement aband[illegible] nés, que leurs parents fussent alcooliq[illegible] ou syphilitiques, ou que le foyer fami[illegible] fût inexistant ou dévasté. Sur cha[illegible]

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ıe, comme un leit motiv, je lisais: nère morte », « mère ayant abandonné domicile conjugal », « père vivant en ıcubinage ».

Voilà le cas de ces enfants. La société elle le droit de les frapper ?

ious disons — et votre expérience s'en- ge dans cette voie — plus de prisons, des ples; pas d'autre discipline que celle écoles techniques, des lycées et col- es ou des anciennes écoles primaires périeures.

Expérience hardie, diront quelques es- ts timorés. Pas du tout. Ce n'est pas vue de l'esprit. Cette expérience a ıssi partout où elle a été tentée; elle a ıssi dans le monde entier, sous les ré- nes sociaux et politiques les plus dif- ents, en Russie soviétique, dans ces mirables pays scandinaves: Suède, Nor- ge, Danemark, qui sont, sur ce point nme sur tant d'autres, à l'avant-garde progrès humain. Cette expérience a ıssi en Belgique, en Hollande, en An- terre, en France même: à Saint-Mau- e. Elle réussit partout où l'on com- nd qu'il ne s'agit pas de punir mais guérir. Il ne faut pas laisser glisser les ants sur la pente infernale qui les con- t de la colonie pénitentiaire à la prison, la prison à la maison centrale, de la ison centrale au bagne et parfois, as! à l'échafaud. Il faut savoir substi- r à la tendresse familiale défaillante la dresse sociale; il faut que les enfants viennent des citoyens et des travail- rs, avec toute l'éminente dignité et ıte la noblesse véritable qui se dégagent ces deux mots. Il faut soigner, éduquer, truire et non plus emprisonner. Nous mmes bien d'accord sur le principe, st-ce pas ?

Première conséquence: plus de prisons *ès bien! très bien!*), mais des maisons ccueil pour les mineurs sauf, bien en- ndu, en cas de crime et sauf — car nous sommes pas des utopistes — pour les ants profondément tarés dont on ne ıt pas espérer l'amendement, car il ste un petit résidu d'enfants — peut- e 5 ou 10 p. 100 — dont on n'arrivera mais à rien faire. Pour ceux-là il faut, n entendu, prévoir une discipline plus ère, sinon on ferait manquer toute xpérience.

Ces centres d'accueil seront des maisons nes, aérées, disposant si possible d'un din, d'un internat confortable et riant les enfants, dirigés par des instituteurs des institutrices, et non pas surveillés r des gardiens de prison, pourront se éduquer.

Tel est le point fondamental. Il ne s'agit s de jeter ici l'anathème aux gardiens prison. J'ai vu, parfois, avec horreur, certain nombre de campagnes démago- ques dirigées contre les gardes-chiour- s. Le mal, ce n'était pas que les rdiens de prison se comportaient d'une rtaine manière, mais qu'ils se trouvaient où ils n'auraient pas dû être. (*Applau- ssements.*)

Dans ces centres d'accueil, les enfants ront examinés par des médecins psy- iatres et surveillés par des assistantes ciales. Il faut alors prévoir une triple et nutieuse enquête: médicale, sociale et ministrative.

Il faudra, enfin, créer partout des tribu- ux pour enfants spécialisés, et non pas ulement à Paris. Il semble que vous yez engagé dans cette voie. A cette occa- on, je me permets d'insister sur le pro- ème de l'accession des femmes à la agistrature : pensez-y, je vous en adjure, non pas en vue d'une réalisation pour 1950, mais pour février ou mars 1945.

Quel sera le rôle du tribunal? Il devra rendre l'enfant à sa famille chaque fois que le milieu familial sera assez sain pour le permettre. Sinon, il faudra recourir à la liberté surveillée, mais surveillée par qui? Je la verrais volontiers surveillée par les assistantes sociales spécialisées, auxquelles un stage serait imposé.

Les enfants sont parfois placés en surveillance dans des institutions privées. Cette solution peut être bonne dans certains cas; il arrive qu'elle soit absolument détestable. Si certaines œuvres sont mues par des sentiments philanthropiques auxquels je veux rendre hommage, d'autres ont pratiqué et pratiquent encore le sweating-system, percevant l'indemnité allouée par l'Etat et faisant travailler l'enfant, non pas à son profit, mais au profit du patronage. C'est une des formes les plus odieuses et les plus abominables d'exploitation. Il faut dénoncer sans pitié ces pharisiens. Vous savez qu'un décret de 1929 vous permet le contrôle. Il faut l'exercer avec beaucoup plus d'énergie qu'il ne l'a été jusqu'à présent.

Avant de confier des enfants à un patronage ou à une institution charitable, il faut vous assurer des conditions d'instruction générale et d'instruction professionnelle qui leur seront données; n'enseigner que la couture à des jeunes filles, c'est les exposer, à l'heure de la libération, étant donné ce que sont les salaires dans cette profession, à tous les risques et à toutes les déchéances; c'est la certitude du retour à la prostitution et de l'échec total de l'expérience. (*Applaudissements.*)

Il n'est pas de solution possible au problème de l'enfance dite coupable si l'on ne permet aux mineurs d'exercer un métier rémunérateur dès qu'ils sont livrés à eux-mêmes. Mais comment connaître ces métiers rémunérateurs? Par une action conjuguée avec les ministères du travail et de la production industrielle, avec les syndicats patronaux et ouvriers qui diront quelles professions offrent des débouchés.

Le problème, me direz-vous, déborde le cadre du département de la justice. Je suis tout à fait d'accord, mais il n'est pas interdit de concevoir une formule gouvernementale qui coordonnerait l'action des ministères de la justice, de la santé publique et de l'éducation nationale, y compris, bien entendu, le département des sports, car les sports sont un dérivatif nécessaire pour les garçons et pour les filles qui sont parfois victimes de certaines dérivations d'ordre sexuel. Il faut proclamer ici hardiment la nécessité d'un plan Beveridge français en vue d'assurer la sécurité sociale. Il faut donc chercher à abattre les taudis, faire reculer l'alcoolisme, la tuberculose et la syphilis; il faut réserver tous les espaces libres des agglomérations pour le jeu et les sports.

Pour cela il faut des crédits. Il faut des crédits pour le compartimentage et le cloisonnement des effectifs; il faut des crédits pour une répartition judicieuse, tenant compte de l'orientation professionnelle; il faut des crédits pour créer un corps de moniteurs éducateurs et d'assistantes sociales spécialisés; il faut des crédits pour donner aux enfants une nourriture saine, abondante et bien préparée.

Je m'adresse maintenant, monsieur le ministre des finances, tout spécialement à vous. Je voudrais trouver des accents pathétiques pour vous convaincre. Le nombre des mineurs délinquants s'est accru, depuis la guerre, d'une manière inquiétante: 12.000 en 1939. 43.000 en 1943. certainement davantage en 1944 et plus encore en 1945. Les causes sont évidentes. C'est la profonde démoralisation née de la guerre et de l'occupation, alors que les blessures morales créées par la guerre de 1914 n'étaient pas encore cicatrisées, la démission morale des élites ou, plutôt, des prétendues élites, l'absence au foyer des papas mobilisés, prisonniers, déportés, morts parfois, et puis l'habitude généralisée de tricher, de ruser, de mentir, même pour les motifs les plus hautement patriotiques, l'habitude de désobéir systématiquement aux ordres d'un gouvernement d'oppression au service de l'ennemi contre lequel, conformément aux plus nobles traditions républicaines et révolutionnaires de ce pays, l'insurrection était le plus sacré des devoirs. Il est parfois difficile à un jeune homme de remonter la pente, de bien faire la différence entre ce qui était licite, sous l'occupation, contre Vichy, contre l'ennemi, et ce qui ne l'est plus aujourd'hui. Le développement de la délinquance des mineurs est un véritable dommage de guerre dont nous devrions, si nous en avions le moyen, présenter la note à Hitler, responsable de la guerre elle-même.

Dommage moral, hélas! Dommage matériel aussi.

Nous avons juré de traquer tous les doubles emplois, de vous demander de supprimer un certain nombre de directions, mais, la semaine dernière, M. Philip — nous n'avions pas échangé la moindre idée à ce sujet, je l'avais déjà noté dans mes observations — vous a demandé, monsieur le ministre des finances, car c'est à vous que la responsabilité incombe, plus qu'à M. le ministre de la justice, de créer une direction autonome de l'éducation surveillée.

Il n'est pas possible que le directeur de l'éducation surveillée, avec les méthodes modernes que nous préconisons, soit le subordonné du directeur de l'administration pénitentiaire. Il faut mettre là un homme jeune, énergique, ayant la foi, capable d'entreprendre des voyages à l'étranger, de suivre les expériences scandinave, russe, anglaise, belge, hollandaise, les expériences de Saint-Maurice aussi.

Il faut mettre là un homme qui ne s'occupera plus que de cette tâche.

Je vous assure que ce débat n'aura pas été vain si nous emportons la conviction que le ministre des finances a compris qu'il faut sauver les jeunes gens qui ont eu surtout le malheur de naître pauvres, dans un milieu dévasté par la guerre.

Ma conclusion sera pour vous adjurer, monsieur le ministre des finances, de permettre à M. le ministre de la justice, quel qu'il soit, de créer très rapidement une direction autonome de l'éducation surveillée.

Ainsi nous aurons démontré que l'Assemblée, pour être consultative, sait parfois donner des avis que le Gouvernement peut et doit retenir dans l'intérêt général. (*Applaudissements.*)

M. le président. Comme il y a encore quinze orateurs inscrits dans la discussion générale, l'Assemblée voudra, sans doute, renvoyer la suite de la discussion à demain. (*Assentiment.*)

— 12 —

REGLEMENT DE L'ORDRE DU JOUR

M. le président. La conférence des présidents soumet à l'Assemblée les proposi-

tions suivantes pour le règlement de l'ordre du jour des prochaines séances :

1° Poursuivre la discussion des budgets particuliers dans l'ordre suivant :

Ravitaillement.

Agriculture.

Marine marchande.

Services de la santé publique.

Information ;

2° Inscrire en tête de l'ordre du jour de la séance de demain mercredi la vérification des pouvoirs de M. Alexandre Varenne ;

3° Inscrire en tête de l'ordre du jour de la séance de mardi prochain 27 février la discussion de la proposition de résolution de M. Bendjelloul relative à l'électorat des Français musulmans algériens résidant en France.

La conférence des présidents propose, en outre, à l'Assemblée de siéger éventuellement vendredi prochain pour terminer l'examen du budget du ravitaillement et de tenir séance à l'avenir tous les vendredis pour la discussion des affaires hors budget.

Personne ne demande la parole ?...

Je mets aux voix les propositions de la conférence des présidents.

(*Les propositions de la conférence des présidents, mises aux voix, sont adoptées.*)

M. le président. En conséquence, demain mercredi, à quinze heures, séance publique :

Vérification des pouvoirs de M. Alexandre Varenne.

Suite de la discussion du budget :

Justice (suite).

Ravitaillement.

Agriculture.

Marine marchande.

Services de la santé publique.

Information.

Personne ne demande la parole ?...

L'ordre du jour est ainsi fixé.

— 13 —

DEPOT DE PROPOSITIONS DE RESOLUTION

M. le président. J'ai reçu de M. Jean Guiter et plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement à rétablir l'égalité de pension entre toutes les veuves d'officiers, victimes de la guerre.

La proposition de résolution sera imprimée sous le n° 315, distribuée, et renvoyée à la commission des prisonniers et déportés et des pensions.

J'ai reçu de M. Jules Moch et plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement à prendre une ordonnance ayant pour objet d'assainir la circulation fiduciaire et la situation monétaire, de lutter contre le marché noir, de confisquer les profits illicites et de dégager des ressources exceptionnelles pour la reconstruction.

La proposition de résolution sera imprimée sous le n° 316, distribuée, et renvoyée à la commission des finances.

J'ai reçu de M. Baud et plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement à modifier la loi du 19 février 1908 en vue d'assurer la représentation des coopératives non agricoles dans les chambres de commerce.

La proposition de résolution sera imprimée sous le n° 317, distribuée, et renvoyée à la commission de coordination des affaires économiques et sociales.

J'ai reçu de M. Bernard Paumier et plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement à prendre les mesures nécessaires pour accorder aux vieux travailleurs médaillés du travail, sans exception, le bénéfice de l'allocation aux vieux travailleurs établie par l'ordonnance du 2 février 1945.

La proposition de résolution sera imprimée sous le n° 318, distribuée, et renvoyée à la commission du travail et des affaires sociales.

J'ai reçu de M. Aurange et plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement à modifier l'article 17 de l'ordonnance constitutive du 11 octobre 1944 modifiant la composition, le fonctionnement et les attributions de l'Assemblée consultative provisoire.

La proposition de résolution sera imprimée sous le n° 320, distribuée, et renvoyée à la commission du règlement.

J'ai reçu de M. Aurange et plusieurs de ses collègues une proposition de résolution tendant à modifier les articles 42, 43, 44 et 45 du règlement de l'Assemblée consultative provisoire.

La proposition de résolution sera imprimée sous le n° 321, distribuée et renvoyée à la commission du règlement.

J'ai reçu de M. Georges Cogniot et plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement à prendre les mesures législatives nécessaires pour faire de l'Ecole libre des sciences politiques une Ecole des sciences politiques qui soit nationale et démocratique par son organisation, son recrutement et son enseignement.

La proposition de résolution sera imprimée sous le n° 322, distribuée, et renvoyée à la commission de l'éducation nationale.

— 14 —

DEPOT DE RAPPORTS

M. le président. J'ai reçu de M. Maurice Guérin un rapport fait au nom de la commission de la réforme de l'Etat et de législation sur la proposition de résolution de M. Justin Godart concernant la modification et la codification de la législation relative aux coopératives de consommation.

Le rapport sera imprimé sous le n° 309 et distribué.

J'ai reçu de M. Albert Bouzanquet un rapport fait au nom de la commission de la défense nationale sur la proposition de résolution de MM. Etienne Gagnaire, Pierre Bugeaud, Jacques Benet et Jean Dechartre, tendant à inviter le Gouvernement à libérer rapidement les coloniaux anciens prisonniers de guerre, et à les envoyer dans le Midi de la France en attendant leur embarquement pour leurs foyers.

Le rapport sera imprimé sous le n° 310 et distribué.

J'ai reçu de M. André Philip, rapporteur général, un rapport fait au nom de la commission des finances sur la demande d'avis sur le projet collectif d'ordonnance portant ouverture et annulation de crédits sur l'exercice 1944.

Le rapport sera imprimé sous le n° 319 et distribué.

La séance est levée.

(*La séance est levée à vingt heures.*)

Le Chef du service de la sténographie de l'Assemblée consultative provisoire,

GEORGES MEYER.

Erratum

au compte rendu in extenso *de la séance du 15 février* 1945.

Page 115, 2e colonne, après : « Nomination de rapporteurs » :

1° Au lieu de : « Intérieur et santé publique »,

Lire : « Agriculture et ravitaillement »;

2° 9e ligne au-dessous :

Au lieu de : « ...par la Chambre des députés en 1937 (n° 176) »,

Lire : « ...par la Chambre des députés en 1937 (n° 178) ».

Désignation de candidatures dans les commissions par suite de vacances.

(Application de l'article 12 du règlement.)

Le groupe des conseillers généraux d'outre-mer a désigné :

1° M. Desetages, pour remplacer, dans la commission de la France d'outre-mer, M. Marcel Duclos, décédé ;

2° M. Bendjelloul, pour remplacer, dans la commission de l'équipement national, de la production et des communications, M. Marcel Duclos, décédé ;

3° M. Muselli, pour remplacer, dans la commission des prisonniers et déportés et des pensions, M. Marcel Duclos, décédé.

Le groupe de la Résistance métropolitaine a désigné M. Henry Choisnel pour remplacer, dans la commission de l'agriculture et du ravitaillement, M. Eberhard, démissionnaire de ses fonctions de délégué.

(Ces candidatures seront considérées comme ratifiées si, dans les trois jours de la présente insertion, aucune opposition n'a été remise au président de l'Assemblée.)

QUESTIONS ECRITES

REMISES AU SECRÉTARIAT GÉNÉRAL LE 20 FÉVRIER 1945

Application des articles 42 et 43 du règlement ainsi conçus:

« *Art. 42. — Tout membre de l'Assemblée peut poser au Gouverne ment, par écrit et par l'intermédiaire du président de l'Assemblée, une question sur un sujet d'ordre particulier à laquelle il sera répondu par écrit, sauf si l'auteur de la question demande une réponse orale et si le Gouvernement l'accepte.*

« *Un délai minimum de trois jours devra s'écouler entre la question et la réponse.*

« *Art. 43. — Les questions écrites doivent être rédigées en termes concis ne dépassant pas dix lignes et ne contenant aucune imputation d'ordre personnel à l'égard de tiers nominativement désignés.*

« *Elles doivent être remises au secrétariat général de l'Assemblée qui les communique au Gouvernement dans les formes prévues à l'article 70 du règlement.*

« *Celles des questions pour lesquelles il n'est pas demandé de réponse orale sont insérées à la suite du compte rendu* in extenso; *elles y sont à nouveau insérées avec les réponses écrites faites par les ministres intéressés* ».

EDUCATION NATIONALE

146. — 20 février 1945. — **M. André Baud** demande à **M. le ministre de l'éducation nationale** si des dispositions ont été prises, pour l'année scolaire 1945-1946, en vue de remédier à la pénurie grave de manuels scolaires existant actuellement dans les classes d'enseignement primaire et secondaire.

FINANCES

147. — 20 février 1945. — **M. Jean Odin** signale à **M. le ministre des finances** qu'une veuve de nationalité étrangère, résidant en France, reçoit par succession, d'un étranger, un avoir en Amérique, ne provenant pas de France; et demande si, dans ce cas, une déclaration d'avoirs à l'étranger doit être faite.

INTERIEUR

148. — 20 février 1945. — **M. Joseph Denais** demande à **M. le ministre de l'intérieur** si quelque instruction émanant de lui a autorisé les préfets à investir, au mépris de la loi, certains fonctionnaires et notamment des instituteurs de fonctions municipales dans la commune même où il s'acquittent de leurs obligations professionnelles.

JUSTICE

149. — 20 février 1945. — **M. Joseph Denais** demande à **M. le ministre de la justice** quelles suites ont été données, en vue de son application pratique, à l'ordonnance du 12 novembre 1943 annulant toutes les dévolutions de biens, généralement quelconques, faites à des sujets de nationalité ennemie; et quelles sont, à l'heure actuelle, les nationalités considérées comme telles.

RAVITAILLEMENT

150. — 20 février 1945. — **M. Joseph Denais** demande à **M. le ministre du ravitaillement** pourquoi, après avoir concentré un fort tonnage de pommes de terre à Concarneau pour qu'elles fussent transportées par bateau au Havre et à Paris, et après avoir ordonné un premier convoi (qui mit trente-cinq jours à faire l'aller et retour du Havre par suite des lenteurs du déchargement, alors que douze auraient dû suffire), il a renoncé à prescrire un deuxième convoi, en sorte qu'un millier de tonnes de pommes de terre, logées sous hangars couverts en tôle ou déjà chargées dans des bateaux, ont été gelées et sont complètement pourries.

151. — 20 février 1945. — **M. Joseph Denais** demande à **M. le ministre du ravitaillement** s'il voudra bien ne pas oublier, dans la prochaine répartition du charbon, qu'à Paris et dans sa banlieue il est des dizaines de milliers d'isolés qui n'ont ni gaz, ni électricité et qui, depuis de longs mois, n'ont reçu aucune attribution de charbon ni de bois.

SANTE PUBLIQUE

152. — 20 février 1945. — **M. Joseph Denais** demande à **M. le ministre de la santé publique** pour quels motifs la maison maternelle nationale de Saint-Maurice a été choisie comme relais des produits pharmaceutiques importés d'Amérique pour les régions sinistrées; quels sont les fonctionnaires de ladite maison qui, à cette occasion, ont bénéficié d'augmentation de traitement, malgré que des fonctionnaires nouveaux aient été nommés; et quelles sanctions ont été ou seront prises contre les responsables du gaspillage de 1.200 kg au moins de pansements, coton hydrophile, etc., jetés en janvier sur la pelouse du parc et abandonnés à la neige, au dégel et à leurs conséquences.

TRAVAUX PUBLICS ET TRANSPORTS

153. — 20 février 1945. — **M. Joseph Denais** demande à **M. le ministre des travaux publics et des transports** pour quels motifs, alors qu'ils ont été récemment approvisionnés d'essence et que l'électricité leur ayant été rendue ils peuvent fabriquer de la glace, les bateaux de pêche de Concarneau — et spécialement les chalutiers à voile qui n'utilisent l'essence que pour les petits moteurs employés à la pêche et non à la navigation — ne sont pas autorisés à prendre la mer pour la pêche, alors que l'administration les utilise, le cas échéant, à effectuer des transports relevant du cabotage.

RÉPONSES DES MINISTRES

AUX QUESTIONS ECRITES

MINISTRE D'ETAT

111. — **M. Emmanuel d'Astier** expose à **M. le ministre d'Etat,** chargé des relations avec l'Assemblée consultative, que l'article 19 de l'ordonnance du 11 octobre 1944 prévoit que « l'avis de l'Assemblée doit, sauf cas de nécessité constatée par décision du Gouvernement ,mentionnée dans les visas, être demandé préalablement à l'adoption de toute législation touchant au statut des libertés individuelles, à l'organisation des pouvoirs publics et à la structure économique et sociale du pays »; et demande pour quels motifs trente-quatre ordonnances intéressant le statut des libertés individuelles, l'organisation des pouvoirs publics ou la structure économique et sociale du pays, ont été promulguées entre le 30 octobre 1944 et le 2 février 1945, sans que l'avis de l'Assemblée ait été demandé. (*Question du 13 février* 1945.)

Réponse. — Dès le 3 février, — cinq jours donc avant que M. Emmanuel d'Astier ait posé sa question — le président de l'Assemblée consultative avait, au nom du bureau, représenté au président du Gouvernement provisoire que trente-quatre ordonnances, dont il donnait la nomenclature, avaient, à tort suivant lui, été promulguées sans consultation préalable. Le cas soulevé par le bureau de l'Assemblée et celui que la question de M. Emmanuel d'Astier pose ne font qu'un et comportent nécessairement même réponse. Cette réponse a été faite par le général de Gaulle au président de l'Assemblée. Le ministre d'Etat se borne à s'y référer. Il le peut d'autant mieux qu'aux termes de l'ordonnance organique de l'Assemblée et du règlement même de celle-ci, c'est au Gouvernement — et non aux ministres — que les délégués peuvent poser des questions par écrit. En tant que de besoin, voici les termes de cette réponse: « Il est exact que diverses ordonnances ont été promulguées sans avis préalable de l'Assemblée et sans que les visas aient non plus mentionné la nécessité de se passer de cet avis. L'explication est que, selon le Gouvernement, il n'avait pas obligation de consulter l'Assemblée à leur sujet. Certaines de ces ordonnances affectaient bien l'exercice de libertés, ou concernaient des institutions publiques, ou enfin avaient des répercussions économiques ou sociales. Mais

doit-on considérer que toute législation relative à l'exercice de certaines libertés touche au statut des libertés individuelles ? que toute ordonnance concernant des institutions touche à l'organisation des pouvoirs publics ? et que toute réglementation économique ou sociale modifie la structure économique et sociale du pays ? L'admettre, serait pratiquement rendre générale pour le Gouvernement l'obligation de consulter l'Assemblée, car il n'y a pour ainsi dire pas de projet qui, de près ou de loin, n'ait de répercussions dans l'un ou l'autre des domaines en cause. Ce qu'il était sage de vouloir, c'est que notre régime politique, économique et social ne pût être modifié, dans ses bases ou ses données essentielles, sans que l'Assemblée fût consultée. Il s'imposait que les règles fondamentales qui protègent la liberté des citoyens, les lois proprement organiques des pouvoirs publics et la charpente de notre système économique ne pussent être changées inconsidérément. Mais l'ordonnance d'octobre 1944 n'a nullement prescrit que, pour de simples modalités de ces règles ou lois; pour des détails de l'édifice économique, le pouvoir du Gouvernement de légiférer soit subordonné à un avis. La meilleure preuve à en donner, c'est l'interprétation qui avait été admise à Alger de ce pouvoir. L'obligation de consulter l'Assemblée n'est pas en effet une innovation de l'ordonnance d'octobre; elle a été introduite par le décret du 29 avril 1944 et pour les mêmes matières: libertés individuelles, organisation des pouvoirs publics, structure économique ou sociale du pays. Or, sous le régime de ce décret, ont paru des ordonnances telles que celle du 1er mai sur la réquisition des avoirs en or, des avoirs à l'étranger et des avoirs en devises étrangères, celle du 22 juin relative aux organismes dits « comités d'organisation », celle du 26 juin réprimant les faits de collaboration, celles encore du même mois fixant le statut de l'administration préfectorale, organisant des commissariats régionaux de la République et les forces françaises de l'intérieur. Pour aucune d'elles, l'avis de l'Assemblée n'a été sollicité. Les trente-quatre ordonnances postérieures au 30 octobre 1944, qui sont incriminées, sont de même nature. Peut-on prétendre que le statut des libertés individuelles ait été réellement affecté, lorsqu'une ordonnance du 20 novembre a prescrit l'annulation de certaines condamnations ou qu'une autre du 7 décembre a donné au ministre délégué en Afrique du Nord certains pouvoirs du ministre de l'intérieur, ou lorsque l'ordonnance du 15 janvier 1945 a prescrit des déclarations aux détenteurs d'or et de valeurs étrangères? Touchait-on à l'organisation des pouvoirs publics, le 9 novembre, en augmentant la proportion des membres du conseil d'Etat qui peuvent être nommés au tour de l'extérieur; le 22 novembre, en définissant le domicile électoral des militaires, réfugiés ou déportés, ou le 18 décembre en organisant le vote par correspondance? Assurément non. Ni les facilités de crédit accordées le 6 novembre 1944 aux entreprises industrielles et commerciales, ni les modifications minimes apportées le 5 décembre à la composition du conseil général de la Banque de France, ni même les modalités prévues le 18 janvier 1945 pour la désignation des artisans membres provisoires des chambres de métiers reconstituées, n'ont porté atteinte à la structure économique et sociale du pays. Les ordonnances relatives aux houillères du Nord et aux usines Renault ont, malgré leur importance, comporté plutôt la solution partielle de cas particuliers qu'apporté une nouvelle formule de structure. Les diverses ordonnances qui ont concerné des institutions judiciaires, n'ont pas créé de délits nouveaux. A Alger, elles avaient été comprises parmi celles pour qui l'avis de l'Assemblée n'est pas obligatoire. Une ordonnance du 26 décembre a, il est vrai, modifié, en les codifiant, certaines dispositions relatives à l'indignité nationale et touché ainsi aux libertés individuelles; mais le concept juridique nouveau que l'indignité nationale constitue n'avait trouvé place dans une ordonnance prise à Alger, qu'après consultation de l'Assemblée, et aucun changement essentiel n'y a été apporté. Remarques semblables peuvent être faites au sujet de maintes autres ordonnances. Par contre, un projet tel que celui relatif aux comités d'entreprises, qui modifie dans leurs bases mêmes les rapports du capital et du travail, a été, comme il convenait, soumis pour avis à l'Assemblée. Le Gouvernement n'entend nullement se soustraire à l'obligation qu'il s'est faite à lui-même par l'ordonnance du 11 octobre. Il entend seulement la tenir dans les limites voulues. Il compte aussi user, chaque fois qu'il le jugera profitable, de la faculté que l'article 18 de l'ordonnance lui ouvre de demander, sur toutes matières, l'avis de l'Assemblée. Le Gouvernement pense comprendre ainsi sainement son rôle législatif provisoire. »

INTERIEUR

109. — M. Degliame demande à **M. le ministre de l'intérieur** qui a pris position en faveur du principe de la dénonciation des contrats de concession des services publics: si les expériences préliminaires de réquisition des entreprises concessionnaires dans certaines régions ont donné un résultat favorable et notamment si la réquisition de la société de l'électricité de Marseille est jusqu'à présent une opération bénéficiaire pour le Trésor public. (*Question du 8 février 1945.*)

Réponse. — Différentes collectivités locales ont manifesté leur désir de reviser les contrats qui les lient, pour la gestion de leurs services publics, à des entreprises privées. Certaines municipalités ont même, dès la libération, procédé à l'éviction des représentants locaux des entreprises concédées et pris des mesures de réquisition. Les conditions d'intervention de telles mesures, motivées dans de nombreux cas par les sentiments antipatriotiques manifestés par les responsables des entreprises concessionnaires ou fermières, ne vont pas sans soulever, en pratique, des questions particulièrement complexes. Ces dernières retiennent actuellement toute l'attention du Gouvernement. Mais elles ne pourront être utilement résolues qu'après des études approfondies portant sur les divers aspects économiques, financiers et sociaux qu'elles revêtent. Afin d'examiner les différents problèmes posés et de proposer des solutions au Gouvernement, dans le plus bref délai possible, une commission comprenant des représentants des ministères intéressés vient d'être constitué En outre, une commission d'enquête — émanation de cette commission interministériel — a commencé ses travaux sur place, et n tamment à Marseille. Les réquisitions au quelles certaines collectivités locales ont r couru ne sauraient préjuger des solutio qui seront susceptibles d'intervenir. Ce so en effet des mesures provisoires qui ne pe mettent pas de regler les conditions définitives de l'exploitation, ni d'apprécier plein ment les avantages que les départements les communes pourront retirer de la gestio en régie directe de leurs services publics.

GUERRE

83. — M. Joseph Denais demande à **M. ministre de la guerre** si des instructions o été données pour que les prisonniers guerre, évadés ou libérés, soient exemptés mobilisation en qualité de spécialistes. (*Que tion du 6 février 1945.*)

Réponse. — La situation des prisonniers l'armée de terre soumis aux obligations mi taires, récupérés au cours de la libération territoire métropolitain, a fait l'objet d'u arrêté en date du 4 août 1944. En ce qui co cerne les réservistes, des classes de deuxième réserve et des classes interm diaires, il a été prévu qu'ils seraient dém bilisés. Pour ce qui est de ceux des class jeunes de la première réserve, des homm de la disponibilité et du service actif, bénéficient d'un congé de durée indéterm née. Ce personnel reste à la disposition l'autorité militaire, qui ne peut procéder leur rappel qu'après un délai de trois mo comptant du jour de l'arrivée de l'intéress dans sa résidence. En outre, une instructio récente en date du 7 janvier 1945, adress aux commandants de régions, a préci « qu'il ne devait être procédé au rappel d ex-prisonniers que très exceptionnellemen après épuisement de toutes les autres re sources offertes par les classes respectiv des intéressés et en commençant par ceu dont la date de libération est la plus élo gnée ».

RAVITAILLEMENT

94. — M. Tollet demande à **M. le ministr du ravitaillement** s'il est exact qu'un ha fonctionnaire de son administration soit i tervenu pour s'opposer à l'arrestation d'u ancien directeur des corps gras au ministè du ravitaillement, membre du P. P. F., po teur de la francisque, et qui s'était fait r marquer par sa propagande en faveur d départs en Allemagne. (*Question du 6 févri* 1945.)

Réponse. — Il est exact qu'un employé d comité central des corps gras a été arrêt par la police, dans les bureaux de ce comit Les inspecteurs de police, quand ils se so présentés, ont informé de leur mission l ministère, dont un haut fonctionnaire s'e aussitôt rendu auprès du juge d'instructio pour s'informer de la situation. Ils ont en suite accompli leur mission. Une instructio est en cours, contre cet employé, qui a ét suspendu.

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JOURNAL OFFICIEL

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1re SESSION ORDINAIRE DE 1945

Séance du Mercredi 21 Février 1945.

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8. — Règlement de l'ordre du jour.

9. — Dépôt de propositions de résolution.
(2 f.)

PRESIDENCE DE M. FELIX GOUIN

La séance est ouverte à quinze heures.

— 1 —

PROCES-VERBAL

M. le président. Le procès-verbal de la précédente séance a été affiché et distribué.

Il n'y a pas d'observation ?...

Le procès-verbal est adopté.

— 2 —

EXCUSES ET CONGE

M. le président. M. Pascal Copeau s'excuse de ne pouvoir assister à la séance de ce jour.

M. P.-O. Lapie s'excuse de ne pouvoir assister à la séance de ce jour et demande un congé.

Il n'y a pas d'opposition ?

Le congé est accordé.

— 3 —

DEPOT DE PROPOSITIONS DE RESOLUTION (Rappel.)

Je rappelle que j'ai reçu, au cours de la précédente séance :

De M. Jean Guiter et plusieurs de ses collègues, une proposition de résolution tendant à rétablir l'égalité de pension entre toutes les veuves d'officiers, victimes de la guerre, renvoyée à la commission des prisonniers et déportés et des pensions ;

De M. Jules Moch et plusieurs de ses collègues, une proposition de résolution tendant à assainir la circulation fiduciai et la situation monétaire, à lutter cont le marché noir, à confisquer les profi illicites et à dégager des ressources exce tionnelles pour la reconstruction, renvoy à la commission des finances ;

De M. André Baud et plusieurs de s collègues, une proposition de résoluti tendant à assurer la représentation d coopératives non agricoles dans les cha bres de commerce, renvoyée à la comm sion des affaires économiques et sociale

De M. Bernard Paumier et plusieurs ses collègues, une proposition de réso tion tendant à accorder aux vieux trav leurs médaillés du travail, sans excepti le bénéfice de l'allocation aux vieux t vailleurs, renvoyée à la commission travail et des affaires sociales ;

De M. Paul Aurange et plusieurs de collègues, une proposition de résoluti tendant à modifier l'article 17 de l'ord nance constitutive du 11 octobre 1944, n difiant la composition, le fonctionnem et les attributions de l'Assemblée cons tative provisoire, renvoyée à la comm sion du règlement ;

De M. Paul Aurange et plusieurs de collègues, une proposition de résoluti tendant à modifier les articles 42, 43, et 45 du règlement de l'Assemblée cons tative provisoire, renvoyée à la comm sion du règlement ;

De M. Georges Cogniot et plusieurs de collègues, une proposition de résoluti tendant à faire de l'école libre des sci ces politiques une école des sciences p tiques qui soit nationale et démocratiq par son organisation, son recrutement son enseignement, renvoyée à la comm sion de l'éducation nationale.

L'Assemblée voudra sans doute appr ver le renvoi de ces propositions de ré lution aux commissions susindiquées. (A *sentiment.*)

★

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— 4 —

VALIDATION DE POUVOIRS

(Discussion des conclusions du 4e bureau.)

M. le président. L'ordre du jour appelle l'examen des conclusions du 4e bureau, sur la désignation de M. Alexandre Varenne.

Le rapport a été inséré à la suite du compte rendu *in extenso* de la séance du 13 février.

Votre 4e bureau conclut à la validation.

La parole est à M. Costa.

M. Costa. Mesdames, messieurs, au nom de la Résistance extra-métropolitaine, mandaté par elle à l'unanimité de ses membres, j'interviens au sujet de la validation de M. Varenne pour présenter les observations suivantes.

Avant toute chose, je tiens à déclarer que la personnalité même de M. Alexandre Varenne n'est pas en cause dans le débat et que le groupe de la Résistance extra-métropolitaine, par ma voix, élève une protestation non contre la personnalité de M. Varenne, mais contre ce qu'il croit être la violation de l'ordonnance constitutive de notre Assemblée.

En effet, l'article 5 de l'ordonnance du décembre 1943 spécifie:

« Les 21 représentants des organismes de Résistance extra-métropolitaine sont choisis par les délégués de la Résistance métropolitaine à raison de: 2 parmi les organisations de Résistance de l'Algérie, parmi celles de Tunisie, 2 parmi celles du Maroc, 5 parmi les Comités français à l'étranger, 8 parmi les personnalités qui ont participé à la résistance des colonies, raison de 1 pour l'A. O. F., 2 pour A. E. F., 1 pour l'Indochine, 1 pour le Cameroun, 1 pour la Nouvelle-Calédonie, pour Madagascar et 1 pour l'Océanie. »

C'est ce dernier siège qui nous intéresse. Tous les délégués qui ont été désignés jusqu'à ce jour représentent la résistance des colonies et ont toujours pris part effectivement à une résistance dans ces colonies. C'est pourquoi les délégués des colonies déjà représentées, conformément à cette ordonnance, ont toujours été choisis parmi des hommes ayant effectivement participé à la résistance de ces colonies.

Par conséquent, le délégué de l'Océanie ne peut être choisi que parmi les personnalités qui ont effectivement participé à la résistance de cette colonie, ce qui n'est pas le cas de M. Varenne.

Le groupe de la Résistance métropolitaine, ayant à étudier le dossier de l'intéressé, a omis de faire appel à notre groupe, qui connaît bien les personnalités de l'Empire, et omis aussi de convoquer à sa réunion les trois représentants que nous avions mandatés auprès de lui et ce à sa demande.

C'est donc en dehors de tout représentant de la Résistance extra-métropolitaine que la décision a été prise par nos camarades de la Résistance métropolitaine.

Notre camarade Gervolino prendra la parole, en tant que délégué du Pacifique, dans ce débat qui intéresse spécialement l'Océanie.

Les délégués de la Résistance extra-métropolitaine ne demandent pas l'invalidation de M. Varenne, mais que soit laissée en suspens sa validation jusqu'à ce que la Résistance métropolitaine ait pu examiner la question et prendre une décision conforme à l'ordonnance constitutive de notre Assemblée.

Au nom du groupe de la Résistance extra-métropolitaine, je demande à tous mes collègues de voter l'ajournement que nous demandons.

M. Alexandre Varenne. Je demande la parole.

M. le président. Monsieur Varenne, il y a plusieurs orateurs inscrits. Ne conviendrait-il pas qu'ils interviennent avant vous, ce qui vous permettrait de répondre en bloc à leurs observations ?

M. Alexandre Varenne. Cela ne me paraît pas utile, monsieur le président.

M. le président. Selon le désir de M. Varenne, qui est en cause, je lui donne immédiatement la parole.

M. Alexandre Varenne. Mesdames, messieurs, je m'excuse de retenir durant quelques instants l'attention de l'Assemblée sur un sujet à la vérité futile, qui n'aurait pas dû provoquer de débat.

Je viens d'entendre la protestation formulée au nom du groupe de la Résistance extra-métropolitaine.

Je commencerai par examiner, après notre collègue, le texte qu'il vous a lu. Ce texte porte:

« Les délégués de la Résistance extra-métropolitaine sont désignés par la Résistance métropolitaine et choisis parmi les personnalités qui ont participé à la résistance des colonies » et non pas « de la colonie » ou « dans la colonie ».

J'ai, moi aussi, l'habitude des textes et je crois ne pas me tromper.

En tout cas, s'il s'agit de la résistance des colonies, j'ai bien le droit, puisque les circonstances m'y obligent, de parler de la mienne. J'étais, en 1940, délégué élu du Tonkin au conseil supérieur de la France d'outre-mer. Lorsque s'est dessinée à l'horizon la menace d'agression japonaise, j'ai dû — certains d'entre vous le savent — multiplier les efforts et les démarches pour tenter de prévenir cette agression et, si elle se produisait, de la contenir. A la vérité, mes démarches n'ont pas abouti, vous savez pourquoi: parce qu'elles étaient faites auprès d'un gouvernement décidé à la capitulation.

M. Robert-Pimienta. Et à la trahison!

M. Alexandre Varenne. Si vous le voulez; je ne vous contredirai pas sur ce point.

J'ai été récompensé de cet effort, que je croyais utile à l'intérêt supérieur du pays, par ma révocation, par le gouvernement de Vichy, de mes fonctions de délégué au conseil supérieur. J'ai, d'ailleurs, été réintégré dès la libération.

De tels actes peuvent-ils être interprétés comme des actes de résistance des colonies? Vous apprécierez. Mais ce que je voudrais bien, c'est que personne ici n'eût l'impression que j'ai essayé d'entrer dans cette Assemblée par effraction.

Voici les faits, voici les dates. J'avais pensé, au lendemain de la réunion de cette Assemblée que, peut-être — on a bien voulu le reconnaître tout à l'heure — ma présence pourrait, en certains cas, être utile à vos délibérations. C'était encore, même à mon âge, une manière de servir.

J'ai décidé de poser ma candidature à un siège alors vacant, pour lequel il n'y avait pas de candidat présenté, et c'est le 11 novembre que j'ai adressé cette offre de candidature, à qui ? Par l'intermédiaire du département des colonies, bien entendu, et aussi par celui du gouverneur de l'Océanie, je l'ai adressée aux représentants qualifiés des groupes de la résistance en Océanie.

La réponse date du 21 novembre, il y a trois mois aujourd'hui. Que disait-elle ? Les hommes à qui je m'étais adressé et dont les six signatures figurent au bas du télégramme et qui, tous, représentent les groupes de la Résistance, me câblaient :

« A la suite de votre câble si confiant, sommes honorés et heureux de vous informer que nous acceptons de grand cœur votre offre si sincère de représenter notre département lointain à l'Assemblée consultative provisoire. Vous connaissons comme un ami vrai de la France d'outre-mer et savons que ferez impossible pour donner Océanie française, ralliée, dès 2 septembre 1940, au général de Gaulle, la place à laquelle elle a droit dans les conseils de la France nouvelle. Votre ralliement de la première heure à la Résistance, votre expérience coloniale sont les sûrs garants que notre pays sera dignement représenté. Vous prions insister pour représentation élue permanente, et respects dévoués. »

Suivent les six signatures.

Messieurs, en cet état le dossier arrive au secrétariat général du Comité national de la résistance qui, sans observation, le transmet au groupe de la Résistance métropolitaine. Celui-ci en délibère, adopte à son tour la candidature, procède à la désignation indiquée par le texte que j'ai cité; cette délibération est transmise au bureau de l'Assemblée. M. le président proclame le nom du délégué désigné et l'on va ensuite devant le 4e bureau de l'Assemblée qui, à son tour, ratifie, constate qu'aucune protestation ne figure au dossier, qu'aucune candidature n'a été présentée à cette date du 13 février et vous propose la validation.

Je ne sais si, dans une affaire de ce genre, la qualité peut compenser la quantité. Mais ce que je sais bien, c'est que le département des colonies n'a pas jugé, quand je lui ai demandé de transmettre mon télégramme, que je fusse inéligible, non plus le gouverneur de la colonie, ni les délégués de la Résistance en Océanie; pas davantage le secrétariat général du C. N. R., pas davantage le groupe de la Résistance parlementaire, pas davantage le bureau de l'Assemblée ni votre 4e bureau. Alors ? On fait état maintenant d'une doctrine différente. Elle émane du groupe, assurément très qualifié, de la Résistance extra-métropolitaine. Mais j'ai bien le droit de dire que, avec de telles garanties de loyauté et de sincérité, je ne saurais en aucun cas accepter le reproche d'avoir brusqué les choses puisque, à l'heure où le 4e bureau s'est prononcé, le 13 février, ni en Océanie, ni ici, aucune candidature n'avait été annoncée; en tout cas aucune candidature ne pouvait produire, comme je le fais en ce moment, l'acceptation des groupes qualifiés de l'Océanie.

Ce n'est pas tout. Lorsque les groupes qui m'avaient désigné ont eu connaissance par la radio de la proclamation de ma désignation à l'Assemblée, ils m'ont envoyé le télégramme suivant:

« Par radio-Brazzaville, avons appris hier soir votre nomination. Sommes heureux cette nouvelle qui fait suite à notre échange de câbles de novembre. Vous renouvelons avec grand plaisir nos sentiments d'entière confiance, certains que vous ferez impossible pour donner lointaine Océanie, mais française de cœur, belle place d'honneur dans nouvelle communauté impériale. Veuillez agréer, avec nos souhaits les meilleurs pour l'an nouveau annonciateur de la victoire complète sur le nazisme, nos respects sincères et dévoués. Vive la France, vive de Gaulle, vive la République. »

Voilà le dossier. Maintenant on me dit: « Vous devriez attendre » — j'attends de-

puis trois mois — « vous devriez attendre que puissent se concerter le groupe de la Résistance métropolitaine et le groupe de la Résistance extra-métropolitaine ».

J'en suis bien fâché, j'ai consenti déjà plusieurs ajournements, je ne consentirai pas celui-là. L'Assemblée se prononcera si la demande d'ajournement est maintenue. J'ai été mis hors du débat. C'est cependant de moi qu'il s'agit (*Rires*). On m'a fait beaucoup de compliments. J'y suis très sensible. Mais enfin, messieurs, s'il vous plaît, ni fleurs ni couronnes. Je vous demande de parler franc, de ne pas biaiser, de ne pas prendre de détours, de ne pas rester dans l'équivoque.

On dit: « Nous ne demandons qu'un ajournement ». Si l'Assemblée votait aujourd'hui l'ajournement, j'en tirerais la conclusion nécessaire et je remettrais immédiatement ma démission entre les mains de M. le président.

Donc, finissons-en! Prenons une décision.

Si l'Assemblée ne me suivait pas, j'en serais évidemment étonné, un peu peiné aussi, en raison de l'accueil extrêmement amical et sympathique que j'ai reçu sur tous les bancs et dans tous les groupes qui la composent.

M. Marc Rucart. Nous sommes unanimes.

M. Alexandre Varenne. J'en serais désolé, surtout, pour les braves gens qui, comme vous l'avez vu, m'ont si spontanément accueilli, avec un élan du cœur qui m'a beaucoup touché, et qui pourraient, c'est assez naturel, prendre ombrage d'un ajournement ou d'une invalidation — pour moi, c'est la même chose — qui paraîtrait leur infliger un désaveu qu'ils n'ont pas mérité. (*Applaudissements.*)

M. le président. La parole est à M. Robert-Pimienta.

M. Robert-Pimienta. Quand je m'étais fait inscrire pour prendre la parole et répondre aux observations qui seraient faites en faveur de l'ajournement au nom du groupe de la Résistance extra-métropolitaine, je m'étais imaginé que ces observations seraient moins minces qu'elles ne l'ont été et je ne savais pas que le principal intéressé, notre collègue M. Alexandre Varenne, y répondrait d'une façon aussi péremptoire.

Il me reste tout de même à vous signaler un fait. Au groupe de la Résistance métropolitaine, qui est désigné et qualifié pour choisir le représentant de l'Océanie, j'ai eu l'occasion et l'honneur de soutenir, au nom de la fédération républicaine, la candidature de M. Alexandre Varenne. A ce moment-là, les candidatures nouvelles auxquelles fait allusion le groupe de la Résistance extra-métropolitaine ne s'étaient pas manifestées. On ne peut pas opposer à un candidat élu des candidats dont la présentation a été postérieure à son élection.

Le problème n'existe pas davantage que celui de savoir si un candidat qui a fait de la résistance dans les colonies n'est pas recevable pour une candidature pour laquelle on demande une personne ayant fait de la résistance, non pas dans une colonie déterminée, mais dans les colonies.

Par conséquent, j'estime, avec mes collègues, dont les applaudissements traduisent l'opinion, que la question qui est posée ne se pose pas. (*Rires et applaudissements.*)

M. le président. La parole est à M. Gervolino.

M. Roger Gervolino. Mesdames, messieurs, je ne suis pas d'accord avec le collègue qui m'a précédé sur l'interprétation de l'ordonnance constitutive de l'Assemblée.

Celle-ci, comme vous l'a dit M. Costa, précise que les délégués de la Résistance extra-métropolitaine sont choisis parmi les personnalités qui ont participé à la résistance des colonies. Les colonies sont ensuite citées nommément et parmi elles, l'Océanie.

Il s'agit surtout de retenir l'esprit de cette ordonnance. La première ordonnance qui avait été prise précisait que les délégués de la Résistance extra-métropolitaine étaient choisis parmi les personnalités qui avaient participé au ralliement des colonies. Ce texte a été modifié parce qu'on s'est aperçu qu'il n'était pas possible d'inclure la représentation de l'Indochine. Mais je ne pense pas qu'on ait voulu en modifier l'esprit.

M. Jacques Debû-Bridel. C'est au Gouvernement de le dire.

M. Roger Gervolino. En tout cas, c'est mon opinion et elle est partagée.

Ce que je veux dire à l'Assemblée, c'est que le soi-disant comité de résistance de Tahiti, consulté au sujet de la candidature du délégué de l'Océanie à l'Assemblée, ne représente pas la résistance tahitienne. Il ne la représente pas parce qu'il n'est pas celui qui a fait le ralliement de l'Océanie française en 1940 et qu'une grande partie de ses membres n'étaient même pas des résistants.

Ce comité n'est pas celui de 1940, d'abord parce qu'un certain nombre des membres de l'authentique comité de résistance sont partis comme volontaires au front dès le début de 1941, ensuite parce que, pour des fins que j'ignore, le gouverneur de Tahiti a limogé la plupart des anciens membres et les a remplacés par des hommes à lui, choisis par lui et sans consultation de la Résistance.

M. Antoine Avinin. Là-bas aussi ?

M. Roger Gervolino. Oui, là-bas aussi.

En résumé, l'actuel comité de résistance de Tahiti est composé dans sa presque totalité de résistants intéressés de la treizième heure, qui se sont découvert des titres de résistance que lorsqu'il n'y a plus eu aucun danger et lorsqu'ils ont été bien sûrs qu'il n'y aurait plus de départ pour le front.

M. Jacques Debû-Bridel. Alors, demandez l'invalidation de leur candidat!

M. Roger Gervolino. Mais, me direz-vous, pourquoi la population n'a-t-elle pas protesté ?

Elle n'a pas protesté, d'abord, parce qu'il lui aurait fallu entrer en conflit avec le gouverneur et elle avait bien d'autres soucis, notamment celui des hommes qui tombaient chaque jour sur le front; ensuite parce que Tahiti, qui avait rallié la France libre à la suite d'un vote au bulletin secret qui avait donné 99,50 p. 100 des suffrages au ralliement, avait bien vite terminé son épuration et que, n'ayant plus à résister à personne, le comité avait perdu sa principale raison d'exister. Il importait donc peu à la population tahitienne que ce fût telle ou telle personnalité qui en fît partie.

Non, mes chers collègues, ce comité ne représente pas la Résistance et je vous en donnerai une autre preuve en vous signalant que les grands mutilés de guerre rentrés à Tahiti n'ont trouvé aucun appui auprès de ce comité et qu'il leur a fallu faire eux-mêmes d'innombrables démarches pour obtenir les pensions auxquelles ils avaient droit.

Les vrais résistants sont ceux qui sont partis au combat et dont 60 p. 100 déjà ne reverront jamais leur île natale. Leurs voix, ce sont celles que vous entendez monter des tombes encore fraîches de Libye, de Bir-Hackeim, de Tunisie, d'Italie et de France!

Ce sont celles des survivants du bataillon du Pacifique, de ces héros qui, depuis quatre ans, malgré leur infériorité numérique et matérielle, ont su forcer la victoire et n'ont jamais connu la défaite.

Ce qu'ils veulent, c'est être représentés par une personnalité de chez eux et c'est bien là l'esprit de l'ordonnance constitutive de cette Assemblée. Ils rappellent, à ce propos, qu'entre l'Indochine et Tahiti, il y a plusieurs milliers de kilomètres.

Ils objectent qu'ils n'ont jamais été informés du rejet des candidatures de MM. Rollin et Ravel, qui furent à Tahiti des résistants de la première heure et qui partirent volontaires dans les rangs du bataillon du Pacifique.

Ils présentent maintenant, en insistant vivement pour qu'elle soit retenue, la candidature du capitaine Hervé, résistant de juin 1940, volontaire du bataillon du Pacifique, blessé et fait prisonnier à la sortie de Bir-Hackeim et qui, après s'être évadé trois fois et avoir rejoint son bataillon après dix-huit mois de captivité, a fait les campagnes d'Italie et de France. Le capitaine Hervé, qui porte plusieurs palmes à sa croix de guerre, vient d'obtenir la Légion d'honneur à Strasbourg. (*Applaudissements.*)

Je me fais ici l'écho de la voix de ces hommes et je vous crie: Attention!

Ils vont bientôt rentrer chez eux, où ils seront écoutés et entendus. Et si vous, mes chers collègues, n'avez pas su entendre leur voix, la France pourrait peut-être avoir un jour à s'en repentir. (*Applaudissements sur divers bancs.*)

M. le président. La parole est à M. Lebon.

M. Lebon. Mesdames, messieurs, lorsque le cas de M. Alexandre Varenne est venu devant le bureau auquel j'appartiens, le 13 février, nous avons été amenés à exprimer notre opinion, étant saisis de deux pièces seulement.

La première était une lettre très brève du groupe de la Résistance métropolitaine, indiquant que M. Varenne était candidat au siège de l'Océanie. La seconde, qui n'était pas dans le dossier, mais dont il a été donné connaissance par un de nos collègues qui avait accepté le mandat de la transmettre, était une protestation émanant du bataillon Pacifique, protestation absolument parfaite dans la forme.

Dans cette protestation, on présentait la contre-candidature de M. le lieutenant Hervé, dont il vient d'être parlé.

Lorsqu'on lit ses états de service, on ne peut que s'incliner devant cet homme.

On a dit — et M. Varenne me permettra d'affirmer que ce ne sont ni des fleurs, ni des couronnes — qu'il n'y avait pas de question de personne dans cette affaire. C'est certain. Il y a, d'un côté, un candidat présenté par un groupe d'hommes qui, depuis des années, se sont arrachés à leur foyer et qui, tout au long de 20.000 kilomètres, ont égrené leurs effectifs dans de sanglants sacrifices, de l'autre une personnalité éminente dont toute la carrière politique est faite de probité et dont la place s'impose ici immédiatement, en raison de sa compétence exceptionnelle dans les problèmes du Pacifique, problèmes dont la solution est essentielle pour les destinées du pays, du fait des possessions que nous avons dans ces ré-

gions et des réactions que cette solution amènera certainement dans la politique des Etats-Unis à l'égard des affaires d'Europe.

C'est seulement après les délibérations du bureau que j'ai appris, d'une part, que la candidature de M. Varennes avait été soumise aux établissements de l'Océanie dès le mois de novembre et, d'autre part, que cette candidature avait été ratifiée par les organismes de résistance institués là-bas.

Vous comprendrez alors la divergence entre l'attitude que j'ai eue et celle que je vais prendre.

A la réunion du bureau, n'ayant devant moi que les deux pièces dont j'ai parlé, je m'étais abstenu. Aujourd'hui, je vais voter la validation de M. Varenne. Mais j'ajoute, pour être tout à fait objectif et sincère, que je ne le ferais pas avec la même tranquillité si je n'avais la certitude — et je regrette que M. le ministre des colonies ne soit pas présent pour confirmer que j'ai raison d'avoir cette certitude — que, comme le communiqué du conseil des ministres d'hier nous en laisse entrevoir la possibilité, le Gouvernement fera le nécessaire pour que, très rapidement, le deuxième candidat vienne siéger parmi nous. (*Applaudissements.*)

M. le président. La parole est à M. le R. P. Carrière.

M. le R. P. Anselme Carrière. Je me permets d'ajouter quelques observations à celles qui viennent d'être présentées, car la question de principe qui nous est soumise est très grave.

Il a été affirmé que la personnalité de M. Varenne n'était pas en cause. Je crois que c'est l'avis unanime.

Mais il y a un fait regrettable : c'est que le groupe de la Résistance métropolitaine ait pris une telle décision sans même consulter le groupe de la Résistance extra-métropolitaine, qui avait pourtant son mot à dire dans les circonstances présentes.

J'ai assisté à toutes les opérations de nomination et de validation des membres de l'Assemblée depuis la constitution de celle-ci. Il a toujours été fait application du principe posé par l'ordonnance constitutive de notre Assemblée. Il s'agit, aujourd'hui encore, de respecter ce principe.

Si l'on s'en tient à cette ordonnance, que l'on vient de nous lire deux ou trois fois, il semble qu'il y a un manque de bon sens à désigner comme représentant de l'Océanie un homme qui n'y est jamais allé.

On peut sans doute demander une modification des ordonnances. Mais c'est là une autre question.

Les termes de l'ordonnance constitutive de notre Assemblée doivent être respectés et, dans ces conditions, je m'associe aux paroles qui ont été prononcées par MM. Costa et Gervolino, au nom de nos collègues de la Résistance extra-métropolitaine. (*Applaudissements sur divers bancs.*)

M. le président. La parole est à M. Prigent.

M. Robert Prigent. Comme secrétaire du groupe de la Résistance métropolitaine à Alger, j'ai été chargé d'instruire l'ensemble des dossiers présentés à cette Assemblée et concernant les candidatures de la Résistance extra-métropolitaine.

Je m'étonne que le ministère des colonies ait pu obtenir aussi rapidement une réponse concernant M. Varenne, alors que, depuis quinze mois, des renseignements lui ont été demandés sur les candidatures de MM. Rollin et Ravet, et qu'en dépit de plusieurs démarches, effectuées par moi-même et par M. Ferrière, alors président du groupe de la Résistance à l'Assemblée, nous n'avons pu obtenir de réponse à leur sujet.

Je m'associe aux déclarations faites par M. le R. P. Carrière et par des orateurs précédents, pour confirmer l'état d'esprit de ceux qui avaient à Alger la charge d'examiner les dossiers de candidature: nous avons toujours essentiellement tenu compte de l'état des services rendus dans la colonie intéressée, au moment du ralliement ou dans la Résistance, par les candidats proposés.

C'est fidèle à cet esprit que je ne voterai pas la validation de M. Alexandre Varenne. (*Applaudissements.*)

M. le président. La parole est à Mme Couette, rapporteur du 4e bureau.

Mme Marie Couette, *rapporteur du 4e bureau.* La candidature de M. Varenne a été soumise à l'examen du 4e bureau par le groupe de la Résistance métropolitaine, conformément à l'article 5 de l'ordonnance du 6 décembre 1943.

Aucune pièce pour ou contre la candidature de M. Varenne ne figurant au dossier, nous avons envisagé sa validation. Toutefois, une lettre a été apportée au bureau, au cours de sa séance — comme vient de l'indiquer un de nos collègues — proposant, au nom de l'Océanie, la candidature du lieutenant Robert Hervé. Cette candidature n'a été soumise au 4e bureau par aucun organisme de la Résistance, contrairement au texte du règlement.

Une discussion s'est engagée à l'occasion de cet acte de candidature; elle a porté, notamment, sur le texte même de l'article 5 de l'ordonnance du 6 décembre 1943, qui fait allusion aux « personnalités qui ont participé à la résistance des colonies ».

Est-il nécessaire d'avoir vécu dans ces colonies pour y avoir utilement organisé la résistance? Telle est la question que s'est posée votre 4e bureau qui, en réponse, a considéré que l'on pouvait fort bien avoir favorisé de loin la résistance d'une colonie. (*Mouvements divers.*)

M. le président. Messieurs, je vous prie d'écouter Mme Couette.

M. Florimond Bonte. Nous faisons, nous, en France, de la résistance pour les colonies.

Mme Couette, *rapporteur du 4e bureau.* Du fait qu'il n'y avait pas d'opposition à la candidature de M. Alexandre Varenne, le 4e bureau a conclu à sa validation et m'a priée de demander à l'Assemblée de confirmer cette décision.

M. Marcel Poimbœuf. Je demande la parole.

M. le président. La parole est à M. Poimbœuf.

M. Marcel Poimbœuf. Je tiens à signaler qu'il s'est dégagé, au sein du 4e bureau, une minorité dont j'ai été et dont je tiens à me faire ici l'expression.

Pour ma part, je n'ai aucune animosité contre M. Alexandre Varenne. Je tiens à préciser d'une manière solennelle, reprenant une parole prononcée à Alger par notre collègue M. André Philip, que l'un des gains de la Résistance et l'un des espoirs de l'avenir a été la conjonction du courant révolutionnaire et du courant d'inspiration chrétienne. Et je pense que ces deux courants doivent continuer à agir dans le même sens.

Ce n'est donc ni une question de personne, ni une question de parti, qui m'incite à intervenir dans ce débat.

Il s'agit, à mon sens, d'un problème de régularité. L'Assemblée est régie par un texte dont on a rappelé, tout à l'heure, les dispositions essentielles. Je les ai moi-même précisées au sein du bureau, en marquant, comme l'a fait tout à l'heure notre collègue M. Robert Prigent, que le cas de M. Varenne est absolument sans précédent, car, jusqu'ici, les candidats ont toujours été désignés par les colonies intéressées.

Je n'ai changé d'avis, ni sur la logique, ni sur l'interprétation de l'ordonnance qui est notre règle à tous, quels que soient nos sentiments envers telle ou telle personne. C'est pourquoi, comme au bureau, je déclare qu'il m'apparaît que la candidature de M. Alexandre Varenne est irrégulière et que, dans ces conditions, je ne puis voter sa validation.

M. le président. Je rappelle que j'ai été saisi par M. Costa d'une demande d'ajournement, combattue par M. Alexandre Varenne, qui souhaite que l'Assemblée se prononce sur le fond.

Par ailleurs, je fais observer à l'Assemblée que tous les orateurs qui se sont succédé à cette tribune ont abordé le fond du problème.

Dans ces conditions, il m'apparaît plus simple, plus clair et plus net que l'Assemblée se prononce sur les conclusions du bureau, qui tendent à la validation. (*Assentiment.*)

S'il n'y a pas d'opposition, je vais donc mettre aux voix les conclusions du quatrième bureau.

J'ai été saisi d'une demande de scrutin public.

Conformément aux dispositions de l'article 4 du règlement, le scrutin doit avoir lieu à la tribune.

Il va donc être procédé à l'appel nominal de MM. les délégués.

Le scrutin est ouvert.

(*Le scrutin a lieu à la tribune dans les formes réglementaires. Ouvert à quinze heures cinquante minutes, il est clos à seize heures cinq minutes.*)

— 5 —

BUDGET DES SERVICES CIVILS POUR L'EXERCICE 1945

(Suite de la discussion.)

M. le président. Je propose à l'Assemblée de poursuivre, pendant que s'opère le dépouillement du scrutin, la discussion de l'avis sur le projet d'ordonnance portant fixation du budget des services civils pour l'exercice 1945. (*Assentiment.*)

Justice (*suite*).

M. le président. Dans sa précédente séance, l'Assemblée a commencé l'examen du budget de la justice.

La parole, dans la discussion générale, est à Mme Delaunay.

Mme Delaunay. Mesdames, messieurs, l'ordonnance du 2 février 1945 a modifié de la plus heureuse façon la loi vieillie de juillet 1912 relative à l'enfance délinquante. L'exposé des motifs qui l'accompagne a mis pleinement en relief les traits de cette question qui nous paraissent essentiels, à savoir l'irresponsabilité des jeunes qui sont en cause et le caractère de redressement que doit avoir toute mesure prise à leur égard.

A dix-huit ans, en effet, il ne peut s'agir de criminels invétérés, l'homme ne porte pas encore sur ses épaules ce lourd poids de passé dont il lui est difficile de se débarrasser après la cinquantaine et l'on peut encore espérer tous les redressements. En fait, la plupart des enfants ou des adolescents condamnés par les tribunaux pour mineurs sont des jeunes, abandonnés par leur famille, qui ont vagabondé et qui ont volé. Plus de 50 p. 100 de ces condamnés sont coupables de vol. Les autres délits sont les incendies volontaires, les coups et blessures, les outrages publics à la pudeur, mais en quantité et en proportion beaucoup moindres. Ces enfants, ces adolescents qui passent devant les tribunaux spéciaux, peuvent être soit tout simplement rendus à la liberté, soit mis au régime de la liberté surveillée, soit confiés à des patronages privés ou à des maisons de redressement d'Etat. C'est seulement de ces dernières qu'il sera question dans mon exposé.

Reconnaissons tout de suite que leur réputation est mauvaise. La presse, le théâtre même ont popularisé la notion des bagnes d'enfants et, ce faisant, la presse et le théâtre ont beaucoup plus cherché le succès facile que la vérité. Il n'y a point à l'heure qu'il est de bagnes d'enfants, il n'y en a plus. Certaines maisons de redressement sont même fort bien organisées. M. André Philip et un autre de nos collègues ont cité Saint-Maurice, que j'ai visité moi-même et qui est, en effet, une fort belle réalisation. On parle beaucoup en France d'établissements similaires de Russie soviétique et de Belgique. On a peut-être trop tendance à ignorer les réussites françaises. Cet état d'esprit doit être changé.

M. Marc Rucart. Très bien!

Mme Delaunay. Mais il faut reconnaître que toutes nos maisons de redressement, ou, si l'on veut, nos établissements d'éducation surveillée, n'ont pas atteint le même degré de perfectionnement, de « modernisme » que Saint-Maurice, à la Mothe-Beuvron, dans le département de Loir-et-Cher, et nul ne peut contester qu'il y ait encore beaucoup à faire en ce qui concerne les méthodes et surtout le personnel.

Les maisons de redressement posent un problème général que les psychologues appellent un « problème de transfert ». Il faut penser, en effet, pour le résoudre dans son ensemble, que tout homme cherche consciemment ou inconsciemment son plaisir ou son bonheur, ces adolescents plus que les autres et il s'agit de leur donner d'autres plaisirs, d'autres bonheurs, d'autres attraits dans la vie que ceux qu'ils ont trouvés jusqu'à présent dans le vol ou dans le vagabondage, peut-être tout simplement parce qu'ils n'en ont pas connu d'autres.

Le plaisir, le bonheur qu'il est le plus facile de leur procurer immédiatement est peut-être celui de l'exercice physique et du sport. En fait, l'expérience prouve qu'ils aiment la gymnastique, qu'ils adorent le foot-ball et tous les sports d'équipe. C'est une particularité très heureuse dont il faut faire la base de notre système d'éducation, si hardi que cela paraisse à première vue. En effet, l'éducation physique est un moyen d'équilibre physique, sans doute, mais aussi d'équilibre moral et nul ne conteste que la plupart de ces enfants soient des déficients auxquels le sport fait du bien dans leur corps tout en les aidant à retrouver leur équilibre moral. (*Applaudissements.*)

Il est inutile d'insister, je pense, sur ce que le sport peut apporter aussi chez eux de culte de la loyauté et de culte de l'esprit d'équipe et de solidarité. Ces bienfaits du sport sont trop connus chez les jeunes gens de nos établissements secondaires et de nos établissements techniques pour qu'on ne pense pas qu'ils soient les mêmes chez ces jeunes gens qui sont, somme toute, comme les autres.

L'expérience prouve qu'ils sont loyaux dans le sport tout comme les autres et que, quand ils jouent en championnat avec d'autres équipes, ils mettent même une sorte de point d'honneur à jouer plus franc jeu encore que leurs adversaires.

Je crois donc, comme conséquence pratique, qu'il faudrait doter chacun de nos établissements d'éducation surveillée d'un terrain de sport, et cela peut paraître révolutionnaire en un temps où toutes nos écoles n'en ont pas encore.

Mais je crois qu'ils sont plus utiles là qu'ailleurs et qu'ils sont plus faciles à réaliser, car je ne vois pas pourquoi on n'occuperait pas ces enfants et ces adolescents à la construction, à la réalisation de leurs propres terrains. C'est une besogne qui certainement leur plairait et leur donnerait ces joies dont je parlais tout à l'heure et qu'il faut leur trouver.

Je crois aussi qu'il faudrait doter chacun de ces établissements d'un professeur d'éducation physique spécialisé. A l'heure qu'il est, et même dans les meilleures maisons de redressement, comme Saint-Maurice, il n'y a pas de professeur d'éducation physique. Ce sont les éducateurs qui jouent ce rôle.

Or, les membres de cette Assemblée qui gardent le souvenir de leurs études et en particulier des sports et de l'éducation physique qu'ils faisaient dans les établissements secondaires ou primaires supérieurs savent bien que le plaisir, le goût que l'on y prend et les bienfaits qu'on en tire sont, là plus qu'ailleurs, fonction du maître.

Je crois donc que, dans les maisons de redressement, il faudrait des professeurs d'éducation physique excellents, non seulement du point de vue sportif, cela va de soi, mais aussi du point de vue moral, car je suis convaincue que ce sont eux qui auront l'influence la plus grande sur leurs élèves.

Les techniciens que j'ai consultés me disaient en effet: ce qui compte aux yeux de nos élèves, c'est le prestige sportif; l'homme qu'ils écoutent le plus volontiers est celui qui est capable de réaliser dans ce domaine-là une performance. Le maître d'éducation physique peut être, non pas accessoirement mais principalement, un excellent maître de redressement moral.

Ceux qui sont capables de remplir excellemment cette tâche sont rares, je le sais et je touche ici le problème du personnel, sur lequel je reviendrai tout à l'heure en traitant la question dans son ensemble.

Je passe maintenant à la question de l'instruction générale qui, comme l'éducation physique et le sport, ne me paraît pas avoir dans les maisons de redressement une place suffisante.

Le temps qui lui est consacré varie d'une heure à deux heures dans les emplois du temps des maisons de redressement. Ces heures sont placées généralement en fin d'après-midi, à un moment où les enfants sont déjà fatigués par les occupations professionnelles. Ils n'y apportent que peu d'attention.

Je crois qu'il y a là quelque chose de regrettable. On se souvient des vers de Victor Hugo où le poète, interrogeant un jeune adolescent qui vient d'incendier une bibliothèque, lui demande pourquoi il l'a fait; et le jeune homme répond: « Je ne sais pas lire ».

Les adolescents coupables se trouvent, en effet, devant les joies de la connaissance, devant les joies de la lecture, comme nous pourrions nous trouver devant une chambre au trésor dont la porte serait fermée à clef.

Elles leur sont cependant parfaitement accessibles et l'expérience montre à tous ceux qui ont élevé des enfants qu'elles sont accessibles dès le plus jeune âge. Vous savez que les petits de cinq ou six ans vous demandent « pourquoi » et « comment » et se réjouissent quand vous leur répondez. Et vous savez qu'il y a des enfants de dix ans que l'on ne peut sortir de leurs livres parce qu'ils sont véritablement passionnés de lecture.

Ces joies qui paraissent, si on les envisage sous un certain angle, de hautes et pures joies intellectuelles, sont cependant si largement et si profondément liées à notre humanité que nos petits les cherchent par une sorte d'instinct.

Seulement, ceux dont nous parlons n'ont pas eu de parents et souvent n'ont pas eu de maîtres pour les leur faire connaître. Il appartient aux éducateurs qu'ils auront dans les maisons de redressement de leur ouvrir la porte qui cache ces trésors.

Si ces éducateurs savent leur métier, ils arriveront certainement à leur faire aimer la lecture, à leur donner la joie de la connaissance et à leur ouvrir les plus beaux et les plus nobles sentiments.

Ces enfants sont si capables de les éprouver que je vous en donnerai immédiatement un exemple caractéristique, c'est la magnifique floraison de patriotisme que l'on a constatée dans les établissements d'éducation surveillée pendant les quatre années d'oppression que nous venons de vivre.

Le directeur de Saint-Maurice me racontait avant-hier qu'un jeune délinquant s'était engagé dans la milice — comme il y en a tant, vous le savez — et était revenu voir ses camarades en uniforme avec le gamma sur la poche; et le directeur ajoutait: « Personne n'a voulu lui serrer la main et j'ai été obligé de l'éloigner, ils l'auraient assommé ».

A ce sujet, je veux ouvrir une parenthèse pour mettre en garde les services compétents contre une erreur qu'on est en train de commettre: celle de mettre dans les maisons de redressement les repris des cours de justice, miliciens et dénonciateurs.

On veut en imposer deux à Saint-Maurice, un venant de Blois et l'autre d'Orléans. Le directeur est réticent et je le comprends, ses pupilles ne veulent pas avoir chez eux de dénonciateurs; ils les supporteraient difficilement et personne n'y gagnerait rien.

En fait, on constate quelque chose de touchant quand on visite les maisons de redressement. Les jeunes gens les plus évolués ont le droit d'orner leur petite chambre comme ils le veulent. Et vous n'imaginez pas ce qu'il y a de portraits du général de Gaulle, de croix de Lorraine, en fleurs de papier, et de « V » réalisés de la même façon.

En voyant tous ces insignes, je demandais au directeur si ses pupilles étaient réellement à ce point « résistants » pendant l'occupation. Il me répondait: « Oh! c'est simple: les seules fuites en groupe que j'aie eues se sont produites au moment du débarquement, quand ma section du mérite a voulu prendre le maquis ».

Je vous cite cet exemple pour vous montrer qu'il y a, chez ces adolescents qui ont volé et qui ont été condamnés par les tribunaux parfois à quatre ou cinq reprises, la possibilité d'accéder aux sentiments les plus nobles et les plus désin-

téressés; et nul ne contestera que l'amour de la patrie est de ceux-là.

Il suffit de les leur faire connaître, non pas toujours, mais souvent. Je crois que l'instituteur, l'éducateur, est bien placé pour cela, à condition d'être bien choisi, car il faut toujours en revenir là. C'est un problème de personnel qui se pose, je le traiterai tout à l'heure dans son ensemble (*Applaudissements.*)

J'aborde maintenant la question de la formation professionnelle.

La formation professionnelle est celle qui est le mieux donnée dans nos maisons de redressement et dans nos maisons d'éducation surveillée. On y consacre cinq à six heures par jour. Il y a parfois des ateliers qui, par l'outillage, par l'ordre et la propreté qui y règnent, ne le cèdent en rien à ceux de nos écoles professionnelles, de nos écoles de commerce et d'industrie.

Et c'est très bien ainsi! Il faut nous en réjouir. La formation professionnelle, en effet, donne à ces jeunes un moyen de gagner leur vie, indispensable à la sortie de l'école. Mais elle fait plus que cela à mon sens. J'estime qu'il faudrait y songer, et surtout que devraient y penser ceux qui en sont chargés.

Cette formation professionnelle réhabilite ces adolescents à leurs propres yeux. Elle peut leur donner le sentiment qu'ils sont capables d'exceller en quelque chose, qu'ils sont capables, par exemple, dans le domaine du travail du bois, dans la pratique du tour ou de l'ajustage, de devenir des maîtres, et des maîtres de valeur.

Quand on pense à tout ce qu'il faut parfois d'habileté manuelle et de rouerie intellectuelle pour voler, on peut imaginer que ces mêmes qualités intellectuelles et de dextérité manuelle appliquées à l'exercice d'un métier peuvent donner des résultats magnifiques, dont beaucoup d'enfants dits moyens ou normaux ne sont pas capables.

En fait, dans une école bien menée, les pupilles, dans la proportion d'une moitié, parviennent à passer le certificat d'aptitude professionnelle; c'est là un fait de statistique connu. C'est dire que les pupilles peuvent, en sortant de l'école, occuper un emploi d'ouvrier spécialisé, et gagner leur vie beaucoup plus largement, dans certains cas, que le maître d'atelier qui leur a appris le métier.

Il serait bon, je crois, que cette spécialisation orientée vers l'apprentissage de tel ou tel métier fût entreprise en tenant compte de la possibilité de redressement moral que permettent les différents métiers. Or, cette possibilité n'est pas égale pour tous.

Le travail en usine ou à la chaîne est sans joie et même parfois rebutant; il risque de causer à ces jeunes des déceptions que, peut-être, ils ne pourraient pas supporter. Il vaut mieux les orienter vers des métiers où ils auront la joie de créer et de réaliser des œuvres individuelles qui porteront leur marque.

C'est pourquoi je préférerais, pour eux, l'artisanat au travail aux pièces; et ceci, pour une autre raison encore : c'est que l'artisanat se pratique souvent à la campagne, où il y a moins de sources de corruption que dans les grandes villes.

Le travail aux champs serait même un des plus sains; mais ces jeunes gens sont, pour les trois quarts, des citadins venus de Paris, de Lyon ou de Marseille, et l'on ne peut déraciner ces plantes qui ont poussé sur le ciment des trottoirs et l'asphalte des faubourgs.

Si je pensais que la transplantation fût possible je demanderais que, dans les écoles de redressement, l'enseignement agricole prime tous les autres, mais on risquerait des déconvenues et il ne faut pas trop pousser dans ce sens, quelque désir théorique qu'on en ait.

Ainsi, la formation professionnelle a pour but de permettre à l'enfant, non seulement de gagner sa vie, mais aussi de reprendre conscience de lui-même, de reprendre conscience des valeurs qui donnent à chaque vie humaine sa fixité.

Ce n'est pas n'importe quel maître d'atelier qui fera sentir cela à ses élèves; aussi tout le problème du personnel, même celui du personnel le plus technique, est-il, dans ces écoles, une question grave, qui présente un aspect moral. Et c'est celui-ci que je vais traiter maintenant.

Je crois que, pour permettre de le résoudre dans son ensemble, il n'y a qu'une solution, et je me suis réjouie de voir que notre camarade Depreux, du parti socialiste, qui a pris la parole à la dernière séance, a défendu l'amendement que MM. Paul Boulet, Francis Perrin et moi-même, au nom du Mouvement de libération nationale, nous avions déposé sur le bureau de cette Assemblée.

Nous avons, en effet, demandé un crédit symbolique de 1.000 fr. pour marquer notre volonté d'obtenir la création d'une direction autonome de l'enfance délinquante au ministère de la justice. Cette direction autonome est, pour nous, très importante, non seulement par elle-même mais par ce qu'elle permettra de réaliser.

En effet, nos ambitions ne s'arrêtent pas là. Nous pensons, d'abord, que cette direction autonome enlèvera le contrôle des établissements d'éducation surveillée aux directeurs régionaux de l'administration pénitentiaire, car nous estimons que ce contrôle constitue une erreur. Trop habitués aux prisons et pas suffisamment aux maisons de redressement, ils peuvent suggérer des solutions comme celle dont je parlais tout à l'heure et qui consiste à placer les repris de cours de justice dans les maisons de redressement pour mineurs.

D'autre part, et j'exprime ici une idée qui nous est chère, nous souhaiterions la création d'un institut de formation professionnelle auquel iraient tous ceux qui se destinent à l'éducation de l'enfance délinquante. Je pense ici aux moniteurs d'éducation physique, aux instituteurs, aux éducateurs que l'on appelait autrefois surveillants ou gardiens — on a heureusement changé le terme — et aussi aux maîtres de l'enseignement professionnel.

La diversité des catégories auxquelles s'adresserait cet institut de formation professionnelle montre bien qu'il ne s'agirait pas de leur apprendre, dans une branche ou dans l'autre, leur spécialité — ils l'auraient acquise auparavant — mais de donner à tous ces notions de psychologie et de pédagogie spéciale qui en feraient, non des maîtres d'école ordinaires ou des maîtres techniques ordinaires, mais des maîtres de maisons d'éducation surveillée ou de maisons de redressement.

Grâce à cette formation commune, les maîtres d'éducation physique, comme les maîtres d'atelier et comme les éducateurs seraient tous des maîtres de redressement et de formation morale.

L'institut de formation professionnelle que j'imagine aurait d'autres tâches dont je voudrais qu'on ne méconnût pas la portée. Il serait en même temps par son directeur et ses professeurs un centre de recherche et de perfectionnement des méthodes de redressement pénitencier dans leur ensemble, car il est remarquable que tant de psychologues et de pédagogues se soient attachés à des problèmes assez spéciaux, comme celui des enfants anormaux, mais qu'aucun ne se soit penché sur ce problème pédagogique spécial du redressement. Je suis pourtant convaincue que de bien plus larges possibilités s'ouvrent dans ce domaine que dans celui des enfants anormaux et qu'il y a plus de joie à voir s'éveiller à la conscience morale un enfant délinquant qu'à éveiller un timide éclair d'intelligence dans le visage d'un enfant condamné par sa structure physique à rester indéfiniment un idiot ou un crétin au sens physiologique du mot.

Cet institut de formation professionnelle, en même temps centre de recherche, comblerait une lacune et pourrait honorer notre pays si son directeur et ses professeurs étaient à la hauteur de leur tâche.

On pourrait également y faire toutes statistiques, toutes vérifications de méthodes d'éducation qui permettraient de contrôler par les résultats les données théoriques des professeurs. Ce serait là, je crois, une réalisation intéressante et il serait à l'honneur de notre IVe république de créer immédiatement et malgré les difficultés actuelles cet institut de formation professionnelle, en même temps institut de recherches pour toute l'enfance délinquante et, par delà l'enfance délinquante, pour l'étude de tout le problème de la criminalité et du redressement. Nous pensons que les maîtres qui auraient fait dans cet institut de formation professionnelle un stage suffisant, de six mois par exemple, devraient, avant de regagner leurs postes, faire un stage pratique d'au moins six mois encore. Il faudrait aussi adjoindre à ce centre des maisons de redressement analogues aux écoles annexes de nos écoles normales, où le stage théorique serait complété par le stage pratique. Nous avons actuellement cette maison de Saint-Maurice qui constituerait une excellente école pour des stagiaires. Nous pensons que ces stagiaires, formés six mois par l'étude et six mois par le contact direct avec les adolescents, arriveraient à posséder à la fois la science, la connaissance et l'amour du métier.

C'est Anatole France qui a dit qu'avec la science et l'amour on faisait le monde. Je ne doute pas que ces maîtres arriveraient en effet à des choses magnifiques.

Comment serait assuré le recrutement de cet institut ?

Je crois qu'il pourrait normalement être assuré par les maîtres des écoles d'Etat correspondant aux diverses spécialités, c'est-à-dire pour l'éducation physique par les maîtres sortis de l'école normale d'éducation physique, pour les éducateurs et instituteurs par les maîtres sortis des écoles normales d'instituteurs et d'institutrices et pour les maîtres d'éducation professionnelle par les jeunes gens issus des écoles nationales d'arts et métiers et des écoles nationales d'agriculture.

J'entends bien qu'il ne faudrait recruter que des volontaires et cela me paraît essentiel.

Il ne s'agit pas, comme on l'a fait parfois, de demander aux chefs de service, par exemple aux inspecteurs d'académie, de désigner trois, quatre ou cinq instituteurs pour se rendre à la maison de redressement ou d'éducation surveillée de leur département. S'il s'agit là d'une nomination comme les autres et d'un poste que l'on impose, nous savons bien ce qui arrivera : l'inspecteur d'académie, suivant une tendance normale que nous ne pouvons con-

damner, se débarrassera de ses éléments les moins bons et enverra dans ces maisons ceux qui n'auront pas réussi ailleurs. Si l'on agit ainsi, il est inutile d'entamer la réforme.

Il faut, au contraire, chercher des vocations volontaires, et je sais par expérience qu'on les trouvera. Dans les milieux d'instituteurs, que je connais bien, nous avons fait appel chaque année aux volontaires pour l'éducation des enfants anormaux et nous en avons toujours trouvé. Or, je le répète, je suis convaincue que celui qui veut consacrer sa vie à une grande œuvre peut trouver au moins autant de joie, sinon plus, au redressement des enfants délinquants qu'à l'éducation des anormaux. Je crois donc, pour ma part, aux volontaires. Je crois même à une certaine vocation de ces jeunes gens et de ces jeunes filles qui, bien informés, iront dans ces maisons de redressement et je suis persuadée que nous pourrons avoir, en suscitant ces vocations et en le formant bien, un personnel d'élite qui honorera notre pays.

Entendons bien que ce personnel d'élite qui aura fait des études plus longues que celui des établissements d'enseignement public ordinaire, devra non seulement bénéficier des mêmes traitements, à diplôme égal, mais recevoir en plus une indemnité substantielle, légitimée par le fait, d'une part, qu'il aura fait des études plus poussées; d'autre part, qu'il ne jouira d'aucune liberté: le personnel des maisons de redressement n'a pas de vacances et sa responsabilité ne cesse ni nuit ni jour. Il faut comprendre ces services exceptionnels et les rétribuer en conséquence.

Je demande avec insistance une augmentation des salaires; il y a, pour cela, une autre raison qui, à mon sens, n'est pas la moindre. Le personnel des maisons d'éducation surveillée est mal vu de la population, et les éducateurs, souvent d'une valeur véritable, comme ceux de Saint-Maurice, sont considérés par les habitants du village, distant de deux kilomètres, comme des gardes-chiourme qui n'ont droit qu'à un petit sentiment de curiosité quand on les rencontre, et non pas au véritable respect que l'on accorde aux maîtres de l'école publique voisine. C'est là une grande injustice, mais ce fait est si vrai que tous ceux qui ont l'expérience directe de ces maisons ne pourront le nier.

Il faut donc rendre aux maîtres des maisons de redressement le prestige moral auquel ils ont droit, et c'est un moyen — je ne dis pas que c'est le seul, ni le meilleur — de leur donner ce prestige que de les élever dans l'échelle des fonctionnaires et de les payer suffisamment. Car nous savons bien qu'il y a, dans notre pays, et sans doute dans d'autres, une fâcheuse tendance à juger les gens d'après ce qu'ils gagnent. Parce que ma demande est juste et serait de nature, si elle était agréée, à rehausser leur prestige, je souhaiterais qu'il y fût fait droit et que le personnel des maisons d'éducation surveillée fût traité comme il le mérite et le méritera plus encore si la réforme que nous envisageons est appliquée. Nous arriverions ainsi à avoir des maisons de redressement d'Etat qui seraient vraiment des maisons modèles. Il ne faudrait pas laisser à côté d'elles des maisons de redressement privées trop déficientes, car il y aurait alors une inégalité telle entre les enfants confiés aux unes et aux autres qu'elle finirait par être insupportable.

Je ne crois pas qu'il soit possible actuellement de supprimer les œuvres de redressement privées, car cette suppression entraînerait une extension importante du budget et une création spontanée de nombreux établissements; mais on pourrait du moins confier dès maintenant aux mêmes inspecteurs généraux la visite des maisons de redressement d'Etat et des maisons de redressement privées et demander à ces maisons de redressement privées, pour être subventionnées, de pratiquer les méthodes des établissements d'Etat, méthodes qui deviendraient officielles une fois l'institut de formation professionnelle créé.

Quelles seraient alors les possibilités d'avancement du personnel des maisons d'éducation surveillée et des maisons de redressement ? Il faudrait prévoir pour ce personnel une double échelle d'avancement: d'une part, une échelle d'avancement par classe comme pour tous les fonctionnaires de l'Etat; d'autre part, une échelle d'avancement dans la fonction. Celle-ci a été prévue par le ministre et est inscrite, d'ailleurs, dans le rapport du budget. Elle a soulevé, de la part des spécialistes que j'ai consultés, deux remarques que je me permets de faire en leur nom.

D'une part, la hiérarchie du personnel de formation professionnelle ne leur a pas paru suffisamment étendue et ils souhaiteraient entre le professeur technique et l'instructeur technique un grade intermédiaire: celui de professeur technique adjoint; d'autre part, l'avancement dans la hiérarchie des fonctions pour le personnel éducateur ne peut pas pratiquement se faire par l'accession du grade d'éducateur au grade de directeur au bout d'un certain nombre d'années.

En effet, dans une maison comme celle de Saint-Maurice, on compte vingt-sept éducateurs, trois éducateurs chefs, un sous-directeur et un directeur, ce qui fait, pour trente éducateurs, un poste de directeur et un poste de sous-directeur, soit une chance sur trente pour un éducateur d'accéder à un poste ou l'autre. C'est évidemment une chance très minime et il faudrait prévoir une autre échelle d'avancement dans la fonction.

Quelle pourrait être cette échelle ?

L'idée que je vais aborder ici déborde un peu le cadre des maisons de redressement, mais est tout de même liée intimement à cette question.

Lorsqu'il aurait atteint la deuxième classe et un certain âge, par exemple la quarantaine — car l'expérience prouve qu'en vieillissant on a beaucoup moins d'action sur les jeunes gens — le personnel des maisons de redressement pourrait être dirigé sur deux voies, suivant les préférences de chacun.

D'abord, il pourrait constituer les cadres des foyers d'accueil des grandes villes. Vous savez sans doute, mesdames et messieurs, qu'à leur sortie des maisons de redressement les enfants sont placés, suivant leur métier, dans une grande ville ou à la campagne, mais le plus souvent dans une ville. Je ne dirai pas que ces enfants, qui ont dix-sept, dix-huit, dix-neuf ans, sont abandonnés, puisque leur surveillance est confiée à des assistantes sociales; mais, en pratique, ils sont suffisamment abandonnés pour qu'un assez grand nombre d'entre eux, environ 50 pour 100, retombent dans les fautes qui avaient déjà amené un premier châtiment.

Pour recevoir ces enfants, il existe des foyers d'accueil analogues à nos foyers d'ét[illegible]iants; ils peuvent y prendre leurs repas et y loger. Il faudrait de tels foyers d'accueil dans toutes les grandes villes. Et leur personnel pourrait être heureusement constitué par celui des maisons de redressement, par voie d'avancement normal et, si j[illegible] se dire, d'accès à la maturité.

Ces foyers d'accueil pourraient recevoir, non seulement les enfants sortis des maisons de rééducation mais aussi ceux qui, placés dans un milieu taré ou abandonnés par leur famille, risqueraient un jour d'y rentrer. Ils préserveraient ainsi des premières fautes et des rechutes. Ils devraient exister dans toutes les grandes villes et constitueraient un moyen de supprimer l'enfance délinquante avant même qu'on ait eu besoin de la corriger.

D'autre part, ce personnel pourrait constituer les cadres des services pénitentiaires d'adultes. On passerait alors normalement de la pédagogie de l'enfance délinquante à la pédagogie criminelle proprement dite, et les méthodes que l'on aurait employées dans les maisons de redressement deviendraient les méthodes normales dans les prisons d'adultes. Nous pourrions alors réaliser, peu à peu, la réforme de tout notre système pénitentiaire.

C'est là une question grave et importante dont les résultats peuvent s'échelonner sur de longues années. Il y a, gravée sur le marbre du hall d'entrée de l'école normale supérieure de Fontenay-aux-Roses, une phrase du grand éducateur que fut Félix Pécaut. Cette phrase, que je cite à peu près textuellement, dit ceci: « Si vous avez dans votre vie formé une âme et élevé une conscience, votre œuvre n'aura pas été stérile et vous pourrez dire: j'ai vécu. »

Nous avons, je crois, la possibilité de créer une œuvre qui nous permettra d'élever des centaines d'âmes et de former des centaines de consciences dans les années à venir; cela vaut qu'on y pense et qu'on s'y consacre. Je sais, monsieur le ministre, que vous y pensez et que vous vous y consacrez. Le but de mon intervention a été, non pas de vous instruire d'un problème que vous avez étudié, je le sais, mais de vous faire sentir que vous seriez soutenu en tout ce que vous réaliseriez dans ce domaine pour le Mouvement de libération nationale et par les femmes de la libération nationale.

Non seulement nous vous demandons d'aller jusqu'au bout de vos projets, mais d'aller peut-être plus loin encore, car nous pensons que l'œuvre que vous réaliserez dans ce domaine pourra honorer notre Quatrième République et notre France pendant de longues années. Le rayonnement de notre pays doit être un rayonnement de civilisation et nous avons là l'occasion de l'accroître. (*Vifs applaudissements.*)

M. le président. La parole est à M. Lecourt.

M. Robert Lecourt. Mesdames, messieurs, nous nous heurtons à chaque instant, dans tous les débats, à une même question, une sorte de question explosive. Nous ne la rencontrons pas seulement à l'occasion du budget de la justice, nous l'avons trouvée, en effet, dans toutes les discussions que nous avons eues jusqu'à présent dans cette Assemblée: c'est la question de l'épuration.

Il s'agissait hier de l'épuration dans les services de la justice. Il s'est agi, les semaines passées, de l'épuration dans les transports, dans le ravitaillement et dans d'autres domaines encore. Cette question est importante, car les uns en ont peur et les autres ont peur qu'on la sabote; elle provoque dans le pays aussi bien que dans cette Assemblée des remous et un véritable malaise.

Encore convient-il de se mettre d'accord sur les mots et sur leur signification. Aujourd'hui, il s'agit de la justice, il s'agit aussi de l'épuration, la justice étant le châtiment des coupables, l'épuration étant

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un acte de défense, et j'ajoute de défiance, à l'égard de certains éléments inacceptables dans la société que nous voulons rénover.

En d'autres termes, la justice a pour but de punir; l'épuration a pour objet d'écarter les démolisseurs pendant qu'on va reconstruire le pays.

Il y a lieu de bien délimiter le problème, car on a tout envisagé au cours de la discussion du budget du ministère de la justice. Il faut examiner exactement les griefs et étudier l'état du dossier. On a parlé hier des poursuites qui ont été engagées ou plutôt continuées à l'occasion d'amendes fiscales infligées naguère. Il ne s'agit pas là d'une question qui relève du ministre de la justice. On a parlé d'arrestations, nous a-t-on dit, de personnes qui avaient milité dans les rangs de la Résistance, mais il s'agit là de questions de sécurité militaire. Encore une fois, il ne s'agit pas de justice.

On a parlé hier, avec esprit, de l'épuration de la malle Pétain. Vous savez comment cette épuration s'est produite. Avant que la malle Pétain ne se trouve en possession de la chancellerie elle était tombée par hasard, après qu'un certain nombre de documents qu'elle contenait eurent été brûlés, aux mains de soldats. Ceux-ci ayant découvert dans les documents une signature importante, avaient tout d'un coup eu la révélation de ce qu'elle pouvait contenir. C'est à ce moment qu'elle a été amenée, sous bonne garde, à la commission d'instruction de la Haute Cour.

Délimitons par conséquent le débat. Il s'agit de savoir quel est exactement le cadre de l'épuration et quel est exactement le cadre de la justice.

Je crois qu'un certain nombre d'éléments manquent encore au débat et c'est la raison de ma présence à cette tribune.

Soyons objectifs. Nous parlons, en ce moment, d'un ministère dans lequel se trouvent un certain nombre de fonctionnaires qui ont une qualité spéciale: ils sont extrêmement peu nombreux. On vous a indiqué hier leur nombre par trop restreint. Ils sont environ 2.000. Il en manque quelque 300 ou 400 que l'épuration a exclus et dont le remplacement est très difficile, sinon impossible.

Ces 2.000 magistrats ont, en temps normal, les plus grandes difficultés à rendre la justice avec un peu de célérité puisque, pour une affaire civile de peu d'importance, c'est un fait qu'on demande généralement aux plaideurs une année d'attente. Aujourd'hui, outre la charge de mener à bien les affaires normales, les magistrats ont celle d'entreprendre l'exament, l'instruction et le jugement de près de 200.000 affaires nouvelles, si j'ai bien compris les chiffres qui ont été cités. Voilà le point de départ.

Une autre indication a été apportée hier par notre collègue M. Depreux et se trouve aussi dans le rapport de M. Bonnevay: le recrutement est entièrement tari. Quelques chiffres ont été indiqués dans ce rapport. Permettez-moi de les placer sous vos yeux; ils sont symptomatiques. Il s'agit, certes, du recrutement des juges de paix, mais il en va de même pour le recrutement de la magistrature des tribunaux civils.

Entre 1941 et 1944, le chiffre des candidats aux concours de la magistrature est tombé de 174 à 34. Voilà exactement les sources actuelles du recrutement de la magistrature.

Il faut ajouter à cette situation l'impossibilité dans laquelle on peut se trouver de remplacer au pied levé un magistrat.

Lorsqu'il s'agit de l'épuration dans une administration, quelle qu'elle soit, on peut trouver un contrôleur pour en remplacer un autre et le prendre ici pour le mettre là; on peut, dans telle administration non spécialisée, former assez rapidement du personnel qui viendra remplacer les fonctionnaires exclus. Mais, dans le domaine de la justice, il s'agit de former des magistrats et cela ne se fait pas en vingt-quatre heures.

Un juge d'instruction, un magistrat qui ont un minimum de trois années d'études et ont fait en plus deux années de stage ont encore besoin, par surcroît, d'une certaine formation, d'une certaine expérience. Ce n'est qu'après plusieurs années que l'on peut arriver à les utiliser dans les cadres de la justice. Tels sont, messieurs, les divers éléments du problème.

D'autre part, il faut savoir quel genre d'épuration on veut. Certes, on a proposé une épuration radicale qui consiste à révoquer (cela n'a pas été dit hier, mais je sais qu'on l'a proposé naguère, afin d'avoir une tranquillité absolue à l'égard des magistrats qui seront chargés de rendre la justice), on a proposé de révoquer les magistrats qui ont prêté serment en 1940. Hélas! il n'en resterait plus qu'un pour rendre la justice à Paris, et je ne pense pas que les affaires de justice et d'épuration iraient plus vite pour cela.

Il fallait donc suivre une autre doctrine: celle qui consiste — comme on l'a fait, d'ailleurs, dans beaucoup d'administrations — à essayer de discerner ceux qui, effectivement, ont, en pleine conscience, collaboré avec le régime de Vichy et par conséquent avec l'ennemi, de ceux qui, par nécessité professionnelle, pour gagner leur vie, ont été obligés de rester dans les cadres de la magistrature.

C'est là, certes, une tâche délicate et qui peut présenter un certain nombre de fissures, comme nous en rencontrons dans toutes les administrations, ainsi que le prouvent les critiques que nous ne cessons d'apporter à l'occasion de l'épuration générale.

On a évoqué hier un certain nombre de cas particuliers. Certes, cette énumération peut paraître impressionnante. Je demande, quant à moi, à voir les dossiers, et je le demande d'autant plus que souvent, dans la résistance judiciaire, nous avons rencontré des cas dans lesquels les magistrats ont été dans l'obligation, pour sauver des patriotes des mains de l'ennemi — et j'en apporte le témoignage — de prononcer des condamnations à la demande même des intéressés.

En voulez-vous des exemples ?

Vous savez qu'entre 1940 et 1944, lorsqu'un individu était poursuivi devant un tribunal correctionnel pour avoir fabriqué des fausses cartes d'identité, il était généralement condamné à une peine d'emprisonnement de quelques mois qu'il purgeait. Mais vous savez le résultat: à la sortie de prison, il était immédiatement saisi et envoyé aux « Renseignements généraux ». Ceux-ci dirigeaient l'intéressé sur les services allemands, quand il était israélite ou appartenait à certaines organisations politiques.

C'est ainsi que la prison se continuait ou bien par le camp de concentration, ou bien plus généralement, par une détention chez les Allemands et, en conséquence, par une expédition en Allemagne.

M. André Le Troquer. Quelquefois au poteau.

M. Robert Lecourt. Quelquefois au poteau, le plus souvent même.

Or, vous savez, messieurs, le rôle qu'ont joué un certain nombre de magistrats, à la demande, d'ailleurs, des avocats et des prévenus eux-mêmes. Pour éviter ces conséquences graves, des magistrats se sont prêtés à des condamnations plus importantes. On prévoyait, en 1942-1943, qu'en gagnant six mois on gagnerait la fin. Ce ne fut pas toujours juste et, en fait, les condamnations prononcées par les tribunaux ont été des condamnations importantes à la prison, à la demande des intéressés, pour éviter que les Allemands ne puissent prendre comme otages les inculpés qui, à la sortie de prison, auraient été happés par eux.

C'est pourquoi je vous demande de faire très attention en pratiquant l'épuration de la magistrature, à ne pas vous baser sur le fait que des magistrats ont condamné un certain nombre d'éléments de la Résistance à des peines d'emprisonnement qui peuvent être élevées, car en réalité ils l'ont souvent fait — je ne dis pas toujours — dans l'intérêt même des détenus et des résistants.

M. Fernand Grenier. Ce n'était pas le cas des magistrats des cours spéciales qui, eux, condamnaient à mort.

M. Robert Lecourt. Je parle des magistrats des cours criminelles. En ce qui concerne les magistrats des cours spéciales, vous me permettrez cependant aussi de faire quelques rares exceptions.

M. André Le Troquer. Elles sont très rares.

M. Robert Lecourt. C'est entendu! Je ne dis pas que tous les cas relèvent de ceux que je viens de citer.

Voilà les remarques qui me semblent s'imposer en ce qui concerne l'épuration. Voulez-vous maintenant que, très rapidement, nous examinions le fonctionnement de la justice, c'est-à-dire que nous cherchions comment, en fait, débarrasser la société d'un certain nombre d'éléments qui ont pactisé avec l'ennemi, ceux qu'on appelle les traîtres ?

J'ai entendu dire hier que le Gouvernement semblait ne pas vouloir accomplir cette besogne de justice. Ce serait grave si c'était vrai. Le général de Gaulle ne serait plus gaulliste et pas davantage le ministre de la justice, qui a eu à subir, si nous en croyons la radio qui nous en a informés, les menaces, les coups, voire même une baignade qui faillit être tragique, en 1942. Je ne pense pas qu'il puisse être l'objet d'une attaque de cette nature et qu'on puisse lui faire grief de ne pas vouloir la justice.

Mais il faut s'entendre sur la justice que nous voulons. Voulons-nous une justice dépendant du pouvoir, une justice à qui, en quelque sorte, le Gouvernement dicterait ses décisions, alors que, de tradition, par nécessité républicaine, la justice française est indépendante du pouvoir?

Ce serait là une confusion grave, qui me semble-t-il, a été commise dans le débat d'hier. J'ai entendu dire qu'il y avait un déséquilibre entre la justice rendue dans le Midi et celle rendue dans le Nord, dans l'Est ou dans l'Ouest, que tel cas puni d'une condamnation à quelques années de travaux forcés dans telle ville, a été puni, à l'autre bout du pays, d'une condamnation aux travaux forcés à perpétuité.

C'est parfaitement vrai; mais qu'y pouvons-nous ? En temps normal, dans la justice de droit commun, ne rencontrons-nous pas des décisions semblables ? La justice présente-t-elle cette unité que nous devrions théoriquement désirer, mais qui est humainement impossible, à moins que le Gouvernement la dicte et que les magistrats ne soient plus que des fonctionnaires ayant à répondre devant lui de leurs responsabilités et des décisions qu'ils vont rendre ?

Or, la magistrature française est indépendante et elle doit le rester. Nous serons, je crois, unanimes à demander qu'il en soit toujours ainsi. Nous ne souhaitons pas qu'elle tombe sous l'égide, sous la direction, sous la responsabilité du ministre de la justice, du Gouvernement.

Nous sommes tous d'accord, je le crois aussi, si j'en juge par les débats d'hier, pour repousser une justice qui serait une justice de vengeance — ce qui serait humainement explicable, certes — mais que tous nous condamnerions. Nous sommes aussi ennemis les uns que les autres d'une justice qui serait une sorte d'opération politique, comme certaines accusations clandestines qui se dessinent à l'extérieur de cette Assemblée voudraient le donner à croire; nous voulons une justice qui ait des balances de précision et non pas une bascule pour poids lourds. Nous voulons que le jury distingue, — d'une façon très générale, — celui qui a de grosses responsabilités et qui, comme tel, doit être condamné lourdement, de celui qui, au contraire, a des responsabilités mineures, et a pu se laisser entraîner; le faible, l'égaré... l'imbécile, pour lequel une mesure d'indulgence peut être réclamée.

Il faut distinguer, et c'est le fait du jury, du tribunal qui juge. C'est un conseil très large, très général — j'espère qu'il n'est pas platonique — que nous pouvons donner à l'ensemble des cours de justice.

Le point sur lequel, jusqu'à présent, avaient porté les critiques — je constate qu'hier, au cours de ce débat, il n'en a point été question — c'est celui de la promptitude des décisions de justice et de la rapidité avec laquelle les affaires de trahison vont être réglées.

D'abord, nous sommes d'accord pour souhaiter une justice prompte. Si elle traîne, le châtiment ne vaut rien. Pour être efficace, la justice doit punir très rapidement. Mais il y a une autre raison: c'est que nous désirons tous — je dis bien tous, j'en suis sûr — un apaisement dans ce pays, apaisement qui ne pourra résulter que de l'effort rapide de l'organisation de la justice pour séparer d'abord les bons des mauvais, mettre de côté la petite poignée de coupables, de traîtres, la punir sévèrement et tendre la main à tout le reste et pacifier ce pays le plus vite possible.

M. André Le Troquer. Après les sanctions, qu'il faut rapides et sévères!

M. Robert Lecourt. Parfaitement!

L'accord doit donc être unanime. Ce n'est pas une justice sommaire que nous demandons, car elle serait dangereuse. Il faut respecter les droits de la défense. Il faut même, dans l'intérêt de la répression, que la justice ne soit pas trop rapide.

A cet égard, voilà des exemples. On a rappelé hier, dans une interruption spirituelle, le cas Albertini. Et il y en a d'autres. Or, vous savez la raison pour laquelle certaines condamnations ont fait scandale: c'est parce que l'instruction a été trop rapide, parce que l'on n'a pas découvert les quelques articles de journaux ayant de l'importance qui auraient dû se trouver au dossier. Et ils ne s'y sont point trouvés parce que l'on a voulu aller vite.

Il y a intérêt à ce que les instructions soient poussées le plus rapidement possible, c'est entendu, mais elles doivent être menées d'une façon profonde, sérieuse; il faut que les juges d'instruction prennent le temps de reprendre les collections de journaux, lorsqu'il s'agit de journalistes. Or, ce n'est pas en quelques heures qu'ils peuvent y arriver, même en se faisant aider.

M. Albert Gazier. Il faut une journée pour obtenir la collection du journal *L'Atelier.*

M. Robert Lecourt. Pour l'avoir, peut-être, mais non pour la lire, car il faut disposer d'un certain temps, surtout quand on a d'autres dossiers à étudier.

Un délégué. Il serait difficile, pour Albertini, de rouvrir le dossier.

M. Robert Lecourt. Nous sommes tous d'accord pour demander une justice rapide, mais encore faut-il que l'on prenne le temps d'instruire complètement les différentes affaires. (*Interruptions.*)

Un délégué. Encore faut-il avoir le désir d'aboutir vite.

M. Pierre Fayet. Si ceux qui sont en Allemagne vous entendaient! (*Interruptions.*)

M. le président. L'orateur ne dit rien que de raisonnable: laissez-le continuer son discours.

M. Robert Lecourt. Je ne pense pas émettre de propos subversifs, je demande simplement que les instructions soient poussées à fond et qu'elles soient terminées le plus rapidement possible, tout en prenant le temps de rassembler les éléments d'un dossier sérieux.

Hier, des chiffres nous ont été révélés. Souvenez-vous du débat que nous avons eu ici au mois de novembre ou de décembre sur la justice, à l'occasion du collectif. Nous avions tous alors la même préoccupation: aller vite, et certains de nos collègues parlaient de la dizaine d'années qui seraient nécessaires pour résoudre cette grande question de la justice en France.

Or, on nous a indiqué hier que 17.000 affaires sont actuellement réglées et, remarque plus importante, qu'il en est réglé 7.000 par mois. Ceci laisse entendre que d'ici six mois le gros et peut-être même la totalité des affaires en instance seront liquidées. Ce résultat n'est pas négligeable quand on connaît les lenteurs traditionnelles de la justice, non seulement dans les affaires qui nous occupent, mais pour l'ensemble des causes. L'histoire nous l'apprend, tous les grands scandales ont exigé des années pour être jugés. Puisse celui-ci ne pas demander dix ans. Je constate avec plaisir qu'en une année on aura liquidé quelques dizaines de milliers d'affaires d'épuration.

Mon dernier vœu — qui est aussi émis, j'en suis sûr, par l'Assemblée unanime et par le pays tout entier — sera que la justice soit rendue en toute sérénité, que la justice appartienne à l'Etat seul, comme on l'a fort bien dit hier. Qu'on respecte les droits de la défense; qu'il y ait des interrogatoires et des confrontations, que les recours et pourvois en cassation soient possibles dans les délais les plus brefs. N'oublions pas que la première des libertés est celle de la défense et que c'est parfois la dernière pour celui qui encourt la peine de mort.

Enfin, que la justice soit impartiale et indépendante, je le répète. A cet égard, qu'il me soit permis, en concluant, de commenter un chiffre. Je l'ai trouvé dans les informations qui ont été publiées au sujet du fonctionnement des cours de justice pendant le mois de janvier. Sur 1.957 inculpés jugés, il a été prononcé 149 condamnations à mort.

Voilà la preuve de l'équilibre des cours de justice, de leur pondération, de leur impartialité. Nous n'avons pas l'impression que, comme on l'a dit à l'extérieur, chaque cour de justice exige chaque jour des cadavres. On a, au contraire, l'impression d'une justice indépendante. Le nombre des condamnations à mort ne représente que 7 p. 100 du total des inculpés.

Les cours de justice savent aussi prononcer des acquittements. Il y en a eu 272 en janvier, soit 13 p. 100 des inculpations.

On entend critiquer les cours de justice; elles ne seraient pas impartiales, elles seraient des juridictions politiques. Il suffit de renvoyer ceux qui les critiquent aux chiffres; ceux-ci prouvent qu'elles font leur devoir et qu'elles jugent les gros coupables avec toute la pondération souhaitable.

Le pays sort d'une crise morale sans précédent, disait récemment M. Philip à cette tribune. Des Français ont perdu le sens de l'honneur, des intellectuels, des moralistes même ont perdu le sens moral; des nationalistes, ou se disant tels, ont perdu le sens de la patrie, à telle enseigne que le nationalisme intégral s'est transformé en national-socialisme et que ce nationaliste, poussant très loin sa logique imperturbable, est allé jusqu'à la trahison. C'était cependant, disait-il, le parti de l'intelligence.

Il faut voir la profondeur de la crise morale et l'importance du redressement à accomplir. Le premier facteur de ce redressement doit être la justice. Les traîtres doivent être condamnés. Il ne faut pas écouter ceux qui désirent l'oubli total, le pardon absolu — non pas pour les petits, mais pour les gros. Il faut une justice pure, une justice forte pour punir ceux qui ont trahi leur pays, mais une justice indulgente aux égarés dont nous avons parlé.

Un pays qui a assez de force pour punir ceux qui l'ont trahi et assez de grandeur pour témoigner de l'indulgence à l'égard des faibles et des égarés est sur la voie du salut. Une justice saine est la première des vertus civiques. (*Applaudissements.*)

— 6 —

VALIDATION DE POUVOIRS

(Résultat du scrutin public.)

M. le président. Voici, messieurs, le résultat du dépouillement du scrutin public sur les conclusions du 4e bureau tendant à la validation de M. Alexandre Varenne:

Nombre de votants.....	138
Majorité absolue	70
Pour l'adoption.....	91
Contre, ...	47

Les conclusions du 4e bureau sont adoptées.

En conséquence, M. Alexandre Varenne est admis. (*Applaudissements.*)

L'Assemblée voudra, sans doute, suspendre sa séance pendant quelques instants. (*Assentiment.*)

La séance est suspendue.

(La séance, suspendue à dix-sept heures vingt minutes, est reprise à dix-sept heures cinquante minutes.)

75

M. le président. La séance est reprise.

— 7 —

BUDGET DES SERVICES CIVILS POUR L'EXERCICE 1945

(Reprise de la discussion.)

M. le président. Nous reprenons la discussion de l'avis sur le projet d'ordonnance portant fixation du budget des services civils pour l'exercice 1945.

Justice (*suite*).

M. le président. Dans la discussion générale du budget de la justice, la parole est à M. Oudard.

M. Georges Oudard. Mesdames, messieurs, dans une interview qu'il a accordée à un journal du matin, M. le garde des sceaux nous a fait savoir qu'il était aussi opposé à la justice révolutionnaire qu'à la justice traditionnelle et que ne valait à ses yeux que la justice tout court.

Sans discuter des termes d'ailleurs souvent excellents de sa déclaration, et au risque de nous voir ainsi privés d'un plaisir littéraire, je me permettrai de dire à M. le garde des sceaux, avec toute la courtoisie désirable, que nous préférons les actes aux mots, si raffinés que soient ceux-ci.

Je n'aurai pas la cruauté d'insister sur les réflexions mélancoliques qu'inspire, six mois après la libération, le fait que l'homme investi d'une si haute charge en soit encore à tenter de définir une justice qu'en des temps révolus, mais tout proches, nous nous imaginions, dans l'excès de notre innocence, devant avoir déjà accompli, après un tel délai, une bonne partie de son œuvre.

Avions-nous tort de penser qu'il fallait que tout de suite passât sur ce pays un grand souffle purificateur et que ne s'ouvrît pas, dans une sorte de silence gêné et une morne odeur de poussière, cette nouvelle saison des juges?

Qu'on me pardonne une image impertinente qui vise seulement les méthodes, mais non la personne de M. le garde des sceaux. Nous nous attendions, en de telles circonstances, à réentendre, pour exprimer la mâle volonté du peuple français et l'éclairer sur la portée des actes qui allaient suivre, la voix autoritaire et enflammée d'un Mirabeau ou d'un Danton. Nous avons vu venir Brid'oison. (*Rires.*)

Oh! certes, la forme a été, est et sera respectée, avec naturellement toutes les lenteurs qui conviennent.

Qu'on ne me fasse pas dire ce que je ne saurais dire. Les hommes qui ont lutté, comme nous tous, pendant quatre ans contre l'illégalité ont assez démontré leur attachement à la légalité pour qu'on n'ait rien à craindre d'eux sur ce point.

Nous n'aurions donc rien à redire de la justice tout court, chère au cœur de M. le garde des sceaux. Nous en approuvons même le principe. Mais nous en détestons l'application, que nous considérons comme effroyable parce que cette justice tout court n'est pas assez courte, c'est-à-dire assez prompte à prendre ses déterminations.

M. le garde des sceaux nous a dit hier que, pour être bien rendue, la justice devait disposer des délais nécessaires. Nous disons que ces délais, qu'on s'est plu à allonger, pouvaient être raccourcis. Et c'est sur ce premier point précis que nous sommes, je crois, tous en complet désaccord avec lui.

Fallait-il vraiment des jours et des jours pour instruire le procès de tel ou tel folliculaire qui avait, pendant des années, signé chaque matin de son nom ses forfaits dans un journal payé par les boches? Fallait-il des jours et des jours pour instruire le procès de ces non moins noires crapules, comme les gens de la L.V.F., par exemple, qui avaient publiquement incité leurs compatriotes à se battre sous l'uniforme de l'ennemi contre un de nos alliés?

Le crime de haute trahison était souvent si patent que le jugement aurait presque pu être rendu après un simple interrogatoire d'identité.

Nous n'irons pas jusqu'à prôner une procédure aussi expéditive, à laquelle on reprocherait d'étouffer les droits de la défense. Mais au fur et à mesure que tend à se développer un curieux penchant à l'indulgence, ne sont-ce pas les procédures trop longues qui portent, à leur tour, indirectement atteinte aux droits non moins sacrés, en temps de guerre, de l'accusation? (*Applaudissements.*)

On pouvait et devait juger très vite. En veut-on un exemple, choisi au hasard? Je n'en citerai qu'un. Les orateurs qui m'ont précédé à cette tribune et sans doute ceux qui m'y suivront ont apporté et apporteront une masse de faits démontrant le mauvais fonctionnement de la justice, faits qui ont souvent frappé de stupeur l'Assemblée. Je n'y ajouterai guère. A chacun sa tâche: c'est sur d'autres points que j'insisterai.

Un traître, au lendemain de la chute de Tunis, a reçu de M. von Ribbentrop une lettre qu'on appellerait, dans un bureau de placement pour domestiques, un excellent certificat. Je n'en citerai que cette phrase:

« Vous avez facilité la coopération des différentes parties de la population tunisienne avec les unités germano-italiennes et, par là même, la conduite de la guerre par les puissances de l'axe, et je tiens à vous en exprimer la reconnaissance et la satisfaction du gouvernement du Reich. »

M. Jacques Debû-Bridel. C'était Esteva!

M. Georges Oudard. L'amiral Esteva, déjà condamné à mort par contumace et titulaire de cette brillante citation à l'ordre de la nation allemande — qui ne rendait pas très difficile l'instruction de son affaire — ne passera devant ses juges que la semaine prochaine, six mois, jour pour jour, après la libération de Paris. Or, il y en a à peu près cinq qu'il a été arrêté.

M. Robert-Pimientat. Il paraît que les débats sont encore ajournés.

M. Max Juvenal. L'Assemblée consultative — et en particulier le groupe de la fédération républicaine — n'a pas désigné les jurés.

M. Georges Oudard. Je pense que vous ne serez pas surpris d'apprendre, monsieur le garde des sceaux, que l'homme de la rue qui constate de tels faits ne reconnaît pas en votre justice paresseuse la justice qu'il espérait voir venir à l'heure où, le cœur soulevé de dégoût, il lisait cette lettre atroce reproduite à l'époque dans tous les journaux des deux zones et qu'on ne conçoit pas qu'un officier général français ait pu recevoir sans se brûler sur-le-champ ce qui lui restait de cervelle.

Vous êtes trop fin, monsieur le garde des sceaux, pour n'avoir pas senti aussi combien vous a nui dans l'esprit public la sentence dérisoire qui a mis fin, à Lyon, à la carrière d'écrivain politique — est-ce provisoirement ou définitivement? — de ce sourd haineux qui a fait tant d'aveugles.

Vous êtes en droit de me rétorquer que vous avez la mission d'administrer la justice et non de la rendre et que vous ne sauriez être tenu pour responsable d'arrêts iniques ou ineptes qui indignent autant que nous, j'en suis sûr, sans qu'il puisse le dire, le patriote impeccable et le parfait honnête homme que vous êtes.

Comme je vous plains! Et ce cri part d'un cœur qui garde à votre personne de l'amitié.

Quelle existence que la vôtre! Le jour, les débats de justice; la nuit, les débats de conscience. Personne n'y résisterait!

Mais tout ceci n'est-il pas un peu votre faute, votre propre faute? Votre rôle est d'administrer la justice. Il était aussi de savoir l'animer, de la pénétrer d'un esprit nouveau, de lui inculquer la foi dans la grandeur de sa mission, de lui insuffler, n'ayons pas peur des mots, de l'héroïsme.

Nous sommes en guerre, monsieur le ministre, et un peuple qui veut vaincre se bat partout contre l'ennemi, sur les champs de bataille, dans les usines et dans les prétoires.

Lorsqu'on vous observe, et même lorsqu'on vous écoute — comme hier, dans votre entraînant exposé, — vous ne donnez pas tout à fait l'impression d'être l'homme capable de mener ce combat et que nous aurions souhaité voir à cette place.

Votre rôle était aussi d'ordonner la justice, qui devait en finir vite avec les comparses, pour consacrer le meilleur de ses soins aux têtes de la trahison et de la collaboration, ce qui n'implique pas, dans ma bouche, qu'il fallait, comme on l'a vu quelquefois, les entourer de soins.

Or c'est le désordre — que vous n'avez pas su et que vous deviez maîtriser — qui a créé, au début, cette confusion dont ont pâti des innocents et dont ont su profiter trop de coupables. De là, dans les esprits, un premier trouble qui n'a plus cessé de grandir.

Que voulait avant tout ce pays, qui avait été trahi, vendu, pillé, trompé? Y voir clair. C'est ce qu'un homme de gouvernement, doué d'un peu de psychologie, aurait compris.

Pour y voir clair, il fallait tout de suite condamner Pétain et sa bande. Ils avaient fui? Vous les jugiez alors par contumace. Les dossiers manquaient? Il n'en était pas besoin pour marquer au fer rouge, outre ses complices directs, l'abominable vieillard qui, au su et au vu de tout le monde, n'avait pas protesté contre l'annexion par Hitler de l'Alsace et de la Lorraine, avait livré l'Indochine aux Nippons, félicité, dans une lettre de sa main, les Français qui se battaient dans la Wehrmacht, engagé les Français à aller travailler en Allemagne, pour mieux servir, disait-il, leur patrie, qui avait voulu livrer notre flotte, qui, avec l'approbation pleine et entière de son pseudo-gouvernement, avait mis sa main dans la main du chef d'une milice ayant pour fonction reconnue d'assassiner les Français.

Cette condamnation était la préface indispensable à toute œuvre de justice énergique (*Applaudissements*), laquelle est aussi éloignée de la justice de brutes que de la justice de lièvre. Aucun remords ne pouvait vous harceler, puisque les jugements par contumace sont inexécutables sans revision. Vous ne tuiez pas les hommes, vous tuiez tout ce qu'ils avaient incarné et qui doit disparaître. (*Applaudissements.*)

Il fallait aussi frapper dur les colporteurs dangereux de leurs mensonges, les dénonciateurs, les profiteurs, les uns à la poitrine et les autres à la bourse.

Et puis, parce qu'on ne rend pas la justice chez la portière, il fallait balayer, d'un revers de main, le gros du pâle troupeau d'imbéciles, dont le nombre est toujours grand dans les combinaisons humaines, et qui avaient suivi leur maréchal, jusqu'à imiter ses gredineries sur un plan plus resserré.

M. Robert-Pimienta. Maréchal, nous voilà ! (*Rires.*)

M. Georges Oudard. Si vos filets ne pouvaient tout ramasser, tant mieux pour les petits qui auraient passé à travers les mailles. Dès lors que les gros ne vous auraient pas échappé, nous ne vous aurions rien reproché; la perfection n'est pas de ce monde.

La preuve la plus certaine que votre œuvre est manquée, c'est que le plus grand nombre des orateurs ne montent pas à cette tribune pour en appeler à la générosité humaine — ce qui serait peut-être plus conforme à notre rôle et à nos goûts — mais pour réclamer, toujours et encore, d'indispensables châtiments.

Pourquoi y tenons-nous tant ?

Nous n'avons jamais eu pour répugnant idéal d'étancher la soif des dieux qui, du reste, en vieillissant, sont demeurés tempérants. Nous ne sommes pas ces êtres cruels et sanguinaires que dénonceront peut-être demain, quand ils se sentiront à nouveau plus forts, ceux qui ont eu si peur !

Dieu est témoin qu'on ne trouverait point la moindre trace de désir de vengeance dans nos cœurs, où pourtant demeurera, jusqu'au bout de notre courte éternité, le souvenir des camarades tombés à côté de nous dans cette guerre souterraine, et que nous assassinerions une seconde fois, de nos propres mains, si nous ne défendions pas, jusqu'à la limite de nos forces, ce pour quoi ils sont morts: la patrie, la liberté et la justice. (*Applaudissements.*)

Non, nous ne sommes pas avides de nous repaître de la vue de cadavres au pied d'un poteau. Nous sommes sans pitié pour ces misérables, mais, ce qui compte pour nous, ce ne sont pas ces fugitives humanités. Nous voyons plus haut et plus loin.

Nous voulions, au temps de la clandestinité — et nous le voulons toujours — qu'on remontât des hommes aux causes. Dans tous les pays, et à toutes les époques, il y a eu des traîtres. Autant qu'en ce temps, en France et en Europe? Il faudrait remonter loin dans l'Histoire, pendant cinq cents ans, pour rencontrer une situation un peu comparable à celle d'hier.

On ne saurait pas plus nier ce phénomène que refuser d'en tenir compte, si l'on a, par-dessus tout, le souci du bien public. Il faut donc en déterminer les causes et les détruire.

Les mobiles sordides qui inspiraient les traîtres d'autrefois — goût immodéré de la richesse ou des apparences du commandement, satisfaction de vanités puériles ou assouvissement de rancunes partisanes — se retrouvent sans doute à la base de la trahison d'un Pétain ou d'un Laval. Mais il y a eu, cette fois, mieux ou pire.

Ces monstres ont une espèce de foi, ou, plutôt, ils ont adopté, d'emblée, et même, pour la plupart, d'avance, un grossier système étranger, véritable machine de guerre destinée à anéantir leur patrie, ses idéaux et sa mission dans le monde, et ils s'en sont fait les serviteurs ignominieux, parce qu'ils se croyaient appelés à en être personnellement les bénéficiaires.

Le complot a été exécuté par eux, mais monté par d'autres, dont ils n'étaient que les hommes de paille. Car complot il y a eu, auquel ont participé des forces puissantes et occultes, et les castes qui, depuis longtemps, animent certains mouvements. La dictature fasciste leur a semblé le régime le plus apte à satisfaire leurs égoïstes et immenses ambitions. N'étant pas parvenus à l'instaurer en France avant la guerre, ils n'ont pas rougi qu'elle nous soit imposée par l'ennemi qu'ils ont, de toutes leurs forces, aidé à réduire le peuple français en esclavage. On ne peut concevoir de patrie honorable où ces hitlériens français d'hier, prêts à prendre tous les visages, joueraient un rôle; et soyez sûrs qu'ils n'y ont pas renoncé.

La justice doit châtier, non seulement les coupables marquants, mais aussi les autres; car il ne suffit pas, cette fois, que l'individu disparaisse pour que soit éliminée la cause du mal. Il faut aussi atteindre les castes et les organisations dites impériales.

M. Jacques Debû-Bridel. Vous parlez de la synarchie?

M. Georges Oudard. On ne peut rien vous cacher, monsieur Debû-Bridel.

Voulez-vous, oui ou non, faire le procès de la trahison, le vrai? Pour notre part, nous le voulons, et quelles que puissent en être les conséquences, dans n'importe quel domaine, parce que le salut de la patrie l'exige, et que nous ne plaçons rien au-dessus du salut de la patrie.

Votre justice va-t-elle projeter, sur ces sujets encore enveloppés de mystère, une éblouissante et utile lumière? Nous aurions plutôt le sentiment contraire, et qu'à la lueur de la pauvre lanterne sourde — à laquelle on la pourrait comparer, mieux qu'au soleil — le public y voit de moins en moins clair.

Est-ce seulement effet du hasard? La crainte nous assaille qu'on ne veuille pas aller jusqu'au bout, c'est-à-dire jusqu'à la destruction des causes de la défaite et de la trahison.

Les débats de la Haute Cour combleront-ils nos vœux? Nous sommes assez sceptiques. Il risque de manquer trop d'invités à cette fête de famille. Et je pense moins, ici, aux hommes de Sigmaringen, qui sont, là-bas, au pays, qu'à ceux dont nous sommes légitimement en droit de supposer qu'on ne veut pas les juger, puisqu'on ne les arrête pas.

Votre justice, sous quelque angle qu'on l'examine, ne nous plaît, ni ne nous rassure.

Tout à l'heure, vous allez remonter à cette tribune pour nous fournir des explications. Nous souhaiterions mieux, car il faut en finir. De deux choses l'une: ou les orateurs qui se sont succédé ici ont raison, ou ils ont tort. Vous ne pouvez, à la place que vous occupez, leur donner raison. Vous êtes donc condamné à leur dire, plus ou moins gracieusement, qu'ils ont tort. S'ils se trompent, cela signifie que vous avez raison. Il faut que vous le disiez nettement. Vous devez le proclamer et prendre ainsi vos responsabilités devant l'avenir, devant l'histoire.

Si ce débat s'était institué devant un parlement, vous devinez quelle en aurait été la conclusion. Nous ne sommes pas un parlement et nous ne pouvons, ni ne voulons feindre de posséder les attributions qui n'appartiennent qu'aux assemblées élues. Mais la politique est d'abord une morale...

M. Jacques Duclos. Très bien ! On l'oublie un peu trop.

M. Georges Oudard. ...dont les exigences sont indépendantes de la nature du lieu où elles peuvent être appelées à se manifester. (*Très bien!*)

Le délai doit donc passer sur un autre plan et se dérouler maintenant entre votre conscience et vous-même. C'est à vous et à vous seul qu'il appartient de vous accorder la confiance que nous sommes dans l'incapacité de vous refuser.

A-t-on pensé aux conséquences graves qu'entraînerait, sur le terrain international, une justice dont l'œuvre apparaîtrait manquée? Pourrions-nous, avec autant de force et de foi qu'il le faudrait, réclamer le châtiment des criminels de guerre si nous ne frappions pas avec une inexorable rigueur les complices qu'ils ont eus en France?

Les Alliés sont implacablement résolus à détruire l'hitlérisme. Notre voix sera-t-elle écoutée autant qu'elle devrait l'être si vous semblez rechigner à supprimer les derniers tenants, peut-être déjà masqués, qu'il conserve chez nous? (*Très bien !*) Je n'entends pas insister sur ces sujets délicats dont le Gouvernement et l'Assemblée mesureront l'importance.

L'heure m'incite à conclure. Il paraîtrait que dans certaines parties d'une opinion publique restreinte on jugerait que cette Assemblée manque d'esprit d'initiative, d'entrain, de mordant.

M. Etienne Nouveau. Elle ne manque pas d'éloquence. (*Sourires.*)

M. Georges Oudard. Ses prérogatives sont très étroites, mais nous serions mal fondés à récriminer contre ce que nous avons admis en acceptant de venir siéger dans cette enceinte.

Or, si des ordonnances et des décrets peuvent limiter les droits d'une Assemblée, il n'y a aucun pouvoir au monde qui en puisse limiter les devoirs. Le devoir vous commande, aujourd'hui, sur la question de la justice, de prendre position à la face du pays entier, du pays présent et aussi du pays absent qui, un jour, sous une forme ou sous une autre, vous demandera des comptes.

Votre commission de la justice et de l'épuration a estimé que la manière dont était rendue la justice en France, sous la haute autorité de M. le garde des sceaux, n'était pas conforme au vœu profond de la nation. Cette opinion n'est-elle que la nôtre ? C'est à l'Assemblée de répondre (*Applaudissements.*)

M. le président. La parole est à M. Hauriou.

Il y a encore douze orateurs inscrits. (*Exclamations.*)

M. André Philip, *rapporteur général.* Ne pourrait-on prononcer la clôture ?

M. le président. Ce n'est pas utile, si les orateurs veulent bien se limiter.

Un délégué. On pourrait réduire le temps de parole à un quart d'heure.

M. André Hauriou. Très volontiers.

M. André Hauriou. Messieurs, je désire présenter quelques brèves observations sur une réforme fort importante qui a été réalisée, il y a un mois, de façon très discrète, par M. le garde des sceaux.

Une ordonnance du 13 janvier et un décret du 15 janvier 1945 établissent, pour les tribunaux de première instance, le système du juge unique, rompant ainsi une tradition de plus de cent cinquante ans instaurée par le Consulat.

Les textes qui établissent cette réforme sont si courts que je crois pouvoir les lire à l'Assemblée.

L'ordonnance décide:

« Les jugements des tribunaux de première instance pourront, en toute matière, être rendus par un seul magistrat. »

C'est toute la substance de la réforme. Elle est complétée par un décret qui, lui-même, est d'une extraordinaire brièveté:

« Au cours de la deuxième quinzaine du mois de février 1945, les magistrats du siège se réuniront dans chaque tribunal de première instance, pour fixer l'affectation du président, des vice-présidents ou des juges, entre les différentes chambres du tribunal. Le procureur de la République sera appelé pour être entendu sur ces questions. Un seul magistrat sera désigné par chambre. »

Il est difficile d'être plus concis pour réaliser une transformation aussi profonde de notre système judiciaire. Il est difficile également d'être plus modeste quant aux objectifs envisagés pour une pareille réforme.

L'exposé des motifs indique, en effet, que c'est une raison de circonstance provenant de la nécessité de répartir les magistrats entre des formations assez nombreuses pour pouvoir évacuer les affaires, qui justifie la réforme réalisée il y a un mois.

Tout de suite, je tiens à dire, en mon nom et au nom de mes camarades du mouvement de la Libération nationale, qui m'ont demandé de prendre la parole, que nous sommes d'accord sur le principe de la réforme.

Nous pensons, en effet, qu'il était nécessaire d'avoir un jour en France une grande magistrature et, pour cela, d'abandonner le système de la collégialité pour instituer celui du juge unique.

Je dois rappeler, monsieur le garde des sceaux, que vous n'avez pas toujours été de cet avis sur cette importante réforme et j'ai trouvé, dans mes dossiers d'Alger, un rapport que vous aviez fait parvenir à la commission de législation le 27 janvier 1944, dans lequel vous disiez ceci: « Un principe essentiel de l'organisation judiciaire française est la collégialité des tribunaux. Ce principe a été très attaqué et l'on a fait valoir que, dans de nombreux pays étrangers, les litiges étaient soumis à des juges uniques, ce qui permettait d'augmenter leur sens des responsabilités et de mieux rétribuer des fonctionnaires moins nombreux.

« En dehors de ce que les juges uniques sont souvent assistés à l'étranger de jurys, il est difficilement contestable que la collégialité des juges s'est introduite en France dans les mœurs, que les justiciables trouvent dans les délibérés et les échanges de vues des juges des garanties non seulement d'examen, mais aussi d'indépendance et d'impartialité et que les habitudes françaises de sociabilité risqueraient de rendre les juges, bien à tort d'ailleurs, suspects de partialité. Mais ce risque est trop grand pour qu'il soit encouru. »

Le problème est donc d'importance, vous le voyez vous-même, et ceci vous explique que, si nous sommes d'accord sur le principe, nous pouvons avoir des raisons de ne pas approuver, dans la même mesure, les conditions dans lesquelles la réforme a été opérée, non plus que le système qui a été mis sur pied.

Tout d'abord, il y a un fait dont nous nous étonnons quelque peu. C'est que cette ordonnance n'ait pas été soumise, avant sa promulgation, à l'Assemblée.

Vous me direz, monsieur le garde des sceaux, que ce n'était pas une ordonnance qui, par sa nature, devait obligatoirement être soumise à l'examen de l'Assemblée et que, par conséquent, le Gouvernement avait, sur ce point, liberté d'action.

Je vous réponds: Voire! Regardons un peu ensemble les textes.

Le texte qui gouverne la matière est l'article 19, alinéa 2, de l'ordonnance constitutive de l'Assemblée et il dit:

« L'avis de l'Assemblée doit, sauf en cas de nécessité constatée par décision du Gouvernement mentionnée dans les visas, être demandé préalablement à l'adoption de toute législation touchant au statut des libertés individuelles, à l'organisation des pouvoirs publics et à la structure économique et sociale du pays. »

Je vous demande si vous ne pensez pas que l'organisation judiciaire soit un élément important de l'organisation des pouvoirs publics, que le magistrat soit le gardien des libertés individuelles, dans notre pays comme dans les pays anglo-saxons, et que modifier d'une façon profonde l'organisation de la magistrature, c'est tout de même, d'une façon indirecte peut-être mais particulièrement grave, toucher au statut ds libertés individuelles.

Même si juridiquement, de par la lettre du texte, vous aviez le droit strict de ne pas consulter l'Assemblée, vous avez tout de même eu tort de ne pas le faire. Et le Gouvernement a tort de ne pas collaborer avec l'Assemblée d'une façon plus étroi pour l'accomplissement de l'œuvre législative. (*Applaudissements.*)

M. Robert-Pimienta. C'est le mot « collaborer » qui lui fait peur.

M. André Hauriou. Je demande à mes collègues la permission d'ouvrir une courte parenthèse. Une assemblée, quelle qu'elle soit, quel que soit sont recrutement, et quelles que soient les conditions dans lesquelles elle travaille, ne peut remplir que deux tâches: contrôler le gouvernement ou faire œuvre législative.

Or, aujourd'hui, après deux mois et plus de fonctionnement, nous conviendrons les uns et les autres que notre rôle de contrôle sur le Gouvernement, dans le cadre consultatif, est à peu près vain.

Il y a eu un débat sur les affaires militaires qui, certes, n'a pas été public, au cours duquel nous avions tout de même donné une ligne directive au Gouvernement. La réponse à ce débat fut, quelques semaines après, la suppression de la direction des F. F. I. au ministère de la guerre.

Il y a eu aussi un débat de politique générale au cours duquel l'Assemblée a été unanime à demander des réformes de structure économique. Je ne crois pas qu'une réponse ait été donnée jusqu'ici à la volonté manifestée d'une façon totale et ferme par cette Assemblée. (*Applaudissements.*)

Nous n'avons donc pas beaucoup d'illusions à nous faire sur l'efficacité de notre pouvoir de contrôle.

Par contre, une assemblée, dans le cadre consultatif, peut tout de même travailler utilement à l'œuvre législative; elle l'a montré à Alger.

Elle le peut d'abord parce que les hommes et les femmes qui sont sur les bancs d'une assemblée voient les problèmes d'un œil neuf. Ils ont une perspective autre que celle des services, des fonctionnaires qui, en fait, nous le savons tous, préparent le contenu intellectuel des ordonnances et sont les véritables législateurs.

Elle le peut aussi, parce qu'ils ont la possibilité de donner leur plein sens, leur plein relief, aux réformes qui sont projetées et qui doivent, lorsqu'elles ont une portée importante, être comprises par le pays.

Ici, j'en arrive à une deuxième critique sur les conditions dans lesquelles cette ordonnance a été prise. Au lieu, en effet, de la faire apparaître comme une mesure provisoire, à la fois d'ordre budgétaire et de commodité administrative, j'aurais de beaucoup préféré, pour ma part, qu'on s'attachât à en dégager le sens profond, c'est-à-dire tous les espoirs qu'on peut fonder sur une pareille réforme pour une rénovation de la magistrature et, grâce à ce sang nouveau infusé à l'appareil judiciaire, pour la restauration du civisme en France.

Car, il faut avoir le courage de le dire, il se pose un problème du civisme, un problème des assises civiques indispensables aux réformes de structure que nous voulons tous, mais que nous ne pourrons réussir que si chacun en France a le sentiment d'être, pour sa part, porteur d'une parcelle de la chose publique et à la volonté d'accomplir pleinement son devoir social. (*Applaudissements.*)

A cet égard, il y a un certain nombre de réformes courageuses qu'il faut réaliser dès maintenant, mais qu'il faut faire en les portant à cette tribune. Il faut de grandes lois sur la presse, sur la réforme de l'instruction et de l'éducation et aussi sur la réforme de la magistrature.

Pourquoi ? Parce que le juge est le gardien de la constitution sociale. A côté de la constitution politique, il y a une constitution sociale, celle qui a trait aux libertés individuelles, au statut de la famille, à la possession et à l'emploi des biens, à l'organisation du travail.

C'est le juge qui en est le gardien; c'est le juge qui, chaque jour, travaille à la définition du bon citoyen. C'est la raison pour laquelle nous voulons tous de grands magistrats.

C'est pourquoi nous pensons que le système du juge unique peut, s'il est bien établi et bien appliqué, en relevant la qualité de magistrat, permettre d'appeler des hommes de talent et de caractère en leur faisant une situation digne de leur mérite.

Mais pour réussir une pareille réforme, pour qu'elle ait sa pleine portée civique et sociale, il faut avoir le courage de l'affirmer du haut d'une tribune.

J'espère que si un jour le ministre de la santé publique décide la suppression des bouilleurs de cru...

M. André Philipp, *rapporteur général.* Il le faudrait bien!

M. André Hauriou. ...il ne le fera pas incidemment par un petit article de la loi de finances, mais qu'il aura le courage de dire à la tribune de cette Assemblée que l'alcoolisme est un fléau national, que, si nous voulons sauvegarder la vitalité de notre race, il nous faut accepter les mesures nécessaires. (*Très bien! très bien!*)

M. le rapporteur général. On laisse aux producteurs d'alcool 25 p. 100 de leur récolte!

M. André Hauriou. De même je voudrais qu'il y eût, un jour, un grand débat sur la magistrature, pour indiquer au pays le sens de la réforme que vous avez accomplie et le problème de civisme qu'elle pose. (*Applaudissements.*)

J'en viens, en quelques mots, au corps même de la réforme. Les conditions dans lesquelles vous l'avez réalisée font qu'en elle-même elle est loin d'être parfaite. C'est une réforme qui a été réalisée trop rapidement, trop sommairement, presque sans foi; une réforme de circonstance et qui, par suite, risque de ne pas pleinement réussir.

C'est parce que, pour ma part, je suis partisan du juge unique que je regrette les conditions dans lesquelles la réforme a été réalisée.

En effet, on ne peut, dans un pays, instituer d'une façon valable un juge unique que si, en même temps et par un effort immense, on s'attache à avoir tout de suite un recrutement de qualité.

Le juge unique ? Oui, mais non pas — ainsi que M. Depreux le disait hier — des juge de vingt-trois ou vingt-quatre ans. Un juge unique, oui, mais un homme qui soit en pleine possession de la maturité juridique et de la maturité de caractère indispensables pour être à la hauteur des responsabilités qu'implique la solitude dans le jugement.

Savez-vous, par exemple, qu'en matière correctionnelle la plupart des magistrats montrent actuellement une indulgence excessive ? C'est parce qu'ils savent qu'ils sont personnellement responsables des jugements qu'ils rendent et qu'ils peuvent craindre des réactions des justiciables. A moins qu'ils ne se sentent peut-être pas très compétents et que, délibérant avec eux-mêmes, ils ne soient pas sûrs d'avoir le droit d'appliquer des sanctions graves.

En dehors de cette critique sérieuse, je vous signale que la réforme a été accomplie d'une façon tellement rapide et sommaire que vous n'avez pas distingué le rôle du tribunal statuant comme juridiction de première instance, en premier ressort, et celui du tribunal statuant comme juridiction d'appel pour les sentences des juges de paix et du conseil des prud'hommes.

Savez-vous que, du fait que les appels de prud'hommes et les appels de justice de paix sont jugés maintenant par un magistrat unique, il y a une multiplication extraordinaire des pourvois en cassation et que la Cour de cassation risque, pour beaucoup de procès, d'être obligée de reprendre l'ensemble des affaires ?

Un autre point aurait mérité d'être médité. Il aurait été utile de distinguer entre le juge statuant au civil, le juge statuant au correctionnel et le juge statuant dans les affaires sociales.

Lorsque nous avions discuté du problème à Alger, nous avions suggéré que si au civil il était acceptable et même souhaitable que le magistrat fût véritablement seul sur son siège, au correctionnel et pour les affaires sociales il était par contre désirable que le magistrat fût assisté de jurés qui l'aideraient dans le délibéré et partageraient dans une certaine mesure la responsabilité de la décision.

Etant donné que vous n'aviez pas la possibilité d'avoir tout de suite un corps de grands magistrats, peut-être auriez-vous pu faire une réforme plus nuancée au début, et distinguer entre le juge statuant au civil et le juge statuant au correctionnel ou au social.

Pour conclure, car je ne veux pas abuser du temps de parole, je serais amplement satisfait, monsieur le garde des sceaux, si de cette courte intervention pouvaient découler deux résultats en dehors d'une amélioration de votre très brève ordonnance sur le juge unique: d'abord que les réformes de structure indispensables dans ce pays soient faites en pleine lumière et portées à la tribune de l'Assemblée; ensuite, qu'il soit admis dès maintenant qu'une entente étroite doit s'établir entre l'Assemblée et le Gouvernement pour l'œuvre législative. (*Applaudissements.*)

M. le président. La parole est à M. Le Brun.

M. Jules Moch. Combien reste-t-il d'orateurs inscrits, monsieur le président ?

M. le président. Il en reste encore onze, mon cher collègue, mais M. Haurtou vient de démontrer que l'on peut dire beaucoup de choses substantielles en peu de mots. Je souhaite que son exemple soit suivi. (*Applaudissements.*)

La parole est à M. Le Brun.

M. Le Brun. Mesdames, messieurs, lors de la discussion du collectif, je suis intervenu une première fois sur les questions d'épuration industrielle en nommant de grands accusés que je crois être de grands coupables.

Cette première intervention m'a valu un courrier abondant, généralement anonyme, d'encouragements, de félicitations, d'injures et de menaces, et tout récemment ces quelques lignes dont la naïveté n'exclut pas le sérieux: « Les hommes droits et honnêtes jugent utile que vous sachiez de quelle façon votre réputation personnelle, en France et chez les alliés, est étroitement liée à la marche implacable et rapide de la justice. »

Oui, c'est pour nous une question d'honneur, c'est une question d'honneur pour le Gouvernement provisoire de la République et pour la France, c'est aussi une question d'intérêt national, puisqu'elle conditionne notre ordre public, notre effort de guerre, notre libération et notre indépendance nationale, que de gagner rapidement la bataille de l'épuration. Or, je crains que nous ne soyons en danger de la perdre, tout au moins sur le terrain particulièrement essentiel et délicat de l'épuration industrielle.

Les traîtres ne sont pas châtiés, leurs biens ne sont pas confisqués, leurs affaires ne sont pas jugées. Les suspicions s'éternisent et se diluent, empoisonnant notre vie industrielle. Et trop souvent déjà, nous, les hommes de la Résistance, nous sommes sur la défensive.

Se gardant des sauvages ardeurs auxquelles nous appelait récemment le président Paul-Boncour, les instructions administratives et judiciaires suivent leur cours, somnolent, d'autant plus somnolent qu'il s'agit d'affaires plus complexes et plus graves.

Elles le suivent en ce qui concerne les affaires précises que j'ai évoquées dans cette enceinte.

Pour une seule d'entre elles, celle visant M. Albert Buisson, l'enquête de la production industrielle est terminée et la justice est saisie. Pour une autre, celle visant le groupe Empain, abusant de la fiction juridique que constitue la société anonyme moderne, on s'est ingénié, en vain évidemment, à démontrer que le baron Empain possède personnellement 51 p. 100 des actions des affaires qu'il contrôle notoirement.

Cependant, tandis qu'il est jugé par contumace par un conseil de guerre belge, les Forges et ateliers de construction électrique de Jeumont, en France, restent administrées par un conseil de dix membres, dont six ne sont autres que la Banque parisienne pour l'industrie, contrôlée par le baron Empain, que son oncle Eugène Harmant, son beau-frère Guy de La Rochette, que ses deux secrétaires belges René Destrée et Aristide Doret, ce dernier en fuite à Paris, et que Georges Devillez, directeur général des Ateliers de construction électrique de Charleroi, en fuite à Bruxelles.

Cependant, ainsi que M. le ministre de la production industrielle nous en a informés, son service des sanctions économiques, s'il n'en a pas terminé avec une telle affaire, en a terminé avec des centaines d'autres et en a saisi l'administration de la justice. En novembre 1944, par exemple, il a demandé l'ouverture d'une information judiciaire contre la Société d'importation de matières colorantes, 32, rue Galilée, à Paris. Cette société est notoirement la filiale française de la I. G. Farben Industrie, dont les filiales américaines et belges ont été mises sous séquestre par nos alliés. En France, cette entreprise ennemie, dont les importations en 1942 atteignirent 24 millions de francs par mois, n'est nullement inquiétée. Elle ose même proposer d'importer par la Suisse 200 millions de francs de produits allemands. Le commerce avec l'ennemi serait-il licite durant cette guerre ?

Qu'attend la section économique et financière de la cour de justice de Paris pour agir ? Que deviennent les 1.200 dossiers d'épuration industrielle dont elle a été régulièrement saisie ? Pourquoi aucun inculpé de cette nature n'a-t-il été déféré devant la cour de justice elle-même ?

J'ai essayé de me l'expliquer et j'ai découvert: 1° que pour instruire ces 1.200 dossiers, la section économique et financière de la cour de justice de Paris ne dispose que de 9 magistrats de parquet et de 20 juges d'instruction, dont 5 ne s'occupent que de perquisitions; 2° que les moyens de police mis à sa disposition sont nettement insuffisants. C'est ainsi que sept interrogatoires sont poursuivis simultanément dans un même local; 3° que trop souvent des interventions extérieures perturbent, en la matière, le cours de la justice et je n'étonnerai personne dans cette Assemblée en disant que ces interventions extérieures proviennent principalement de la direction générale d'études et de recherches.

La situation est-elle meilleure en province ? Je n'ai pas, à cet égard, de données précises; mais je crois pouvoir affirmer qu'aucune affaire sérieuse de collaboration industrielle n'y a encore été jugée. Là aussi, vraisemblablement, les moyens d'action mis à la disposition de la justice sont insuffisants; là aussi, vraisemblablement, la volonté de justice et d'épuration qui devrait être inspirée, voire imposée, par la chancellerie est insuffisante; là aussi, vraisemblablement, on s'applique à des démonstrations et à des expertises inutiles.

Comment expliquer autrement que n'ait pas encore été jugé l'industriel collaborateur de Montluçon, dont la justice a dans ses dossiers la lettre suivante, un modèle du genre, adressée au directeur, à Paris, des fabrications allemandes dans l'industrie française:

« Monsieur le directeur, j'admire l'œuvre de rénovation européenne que réalise si courageusement l'Allemagne; je comprends l'effort gigantesque qu'elle lui impose actuellement. C'est pour lui apporter mon aide modeste mais sincère que j'ai l'honneur de vous soumettre la proposition suivante, réalisable en trois étapes:

« 1° Je mets à votre disposition mon usine de Montluçon, dotée d'un matériel moderne et puissant, qui lui a permis en 1939-1940 d'assurer une production importante de matériel de guerre, dont inclus vous trouverez le détail. Je puis me charger d'y effectuer, pour votre compte, dans des délais réduits, la mise au point de fabrications similaires. Vous auriez, dans ce cas, à faire parvenir à Moulins le métal et le lubrifiant nécessaires, etc.;

« 2° Ces fabrications bien en route, après avoir formé, pour les continuer, à Montluçon, du personnel de remplacement, je puis envoyer en Allemagne une équipe, bien encadrée, de spécialistes exécuter, sous ma direction, ces mêmes fabrications, dans une usine donnée, où le matériel et le personnel manœuvre seraient mis à ma disposition;

« 3° Dans l'avenir, mon personnel travaillant en Allemagne pourrait être affecté, en connexion avec mon usine de Montluçon, à la mise en valeur industrielle des territoires de l'Est européen, suivant vos directives.

« Je pense vous apporter ainsi, suivant mes modestes moyens, une aide rapide, efficace, actuelle et durable.

« Dans l'attente de votre décision, je vous prie d'agréer, etc... »

Cet industriel, arrêté par l'insurrection nationale, n'est pas encore déféré à la cour de justice de son département. Est-il, lui aussi, couvert par la D. G. E. R. ?

M. Jules Moch. Comment s'appelle-t-il ?

M. Pierre Le Brun. Il s'appelle Meiller.

Mesdames, messieurs, M. François Mauriac s'indignait récemment de voir juger et condamner des valets de plume de la collaboration sans que le soient avec eux les hommes d'affaires sordides, au sens national perverti, dont ils ne furent très souvent que les instruments.

De tels hommes furent condamnés à mort pour commerce avec l'ennemi durant l'autre guerre. N'y aura-t-il durant celle-ci aucune sanction de cette nature, alors que le commerce avec l'ennemi a été, durant quatre ans, sous le vocable « collaboration », la politique officielle du soi-disant Etat français ?

On est en droit de poser cette étonnante question après le bilan que je viens de dresser, puisqu'il a été décidé que les affaires pouvant entraîner condamnation à mort devaient être jugées avant le 1er mai.

Oui, mesdames, messieurs, il faut en finir avec l'épuration; il faut en finir avec la comédie de l'épuration. (*Applaudissements.*)

Mais il ne saurait être question d'en finir autrement que par le châtiment des traîtres et par la confiscation de leurs biens. (*Nouveaux applaudissements.*)

Les patriotes de nos entreprises industrielles, patrons en tête, demandent à l'Assemblée de manifester à cet égard une volonté unanime. Ils demandent au Gouvernement provisoire de faire, dans ce domaine aussi, tout son devoir, un devoir dont ils ne sous-estiment nullement ce qu'il a de délicat et de difficile.

Si certains des membres de ce Gouvernement ne sont pas, pour quelque raison que ce soit, à la hauteur d'un tel devoir, alors, la Patrie aux 150.000 fusillés est en droit d'en appeler à la clairvoyance et à l'énergie du grand soldat qui a l'honneur et la responsabilité de présider à la renaissance de la République. (*Applaudissements.*)

M. le président. La parole est à M. le révérend père Philippe.

M. le R. P. Philippe. Mesdames, messieurs, je dois vous entretenir d'une affaire douloureuse et délicate, celle des officiers de Maubeuge: Thuytchauer, Lambert et Caucheteur.

Le 26 octobre 1944, le commandant d'armes de Maubeuge, Thuytchauer, dit « Prosper », fait exécuter en prison deux collaborateurs condamnés à mort, mais graciés par le général de Gaulle qui avait commué leur peine en celle des travaux forcés à perpétuité.

Devant l'événement connu par la rumeur publique, ma première réaction fut celle de la réprobation relativement au geste d'insubordination du commandant Prosper. Depuis, j'ai travaillé, j'ai consulté notamment le compte rendu sténotypé des débats devant le conseil de guerre et j'ai changé d'opinion. On m'a demandé, en vue d'éclairer et d'apaiser les esprits, de m'exprimer ainsi sur ce point et j'ai accepté. Je viens vous dire comment et pourquoi j'ai changé d'opinion en vous présentant mon explication personnelle avec la réserve que doivent comporter la délicatesse et la complexité de ce sujet, mais aussi avec la netteté que commande ce que j'estime devoir être la mise au point de la justice.

Pour être bref, je ferai peu de citations, mais je ne crois pas du tout fausser l'objectivité des faits. Si pour plaider la cause de ces trois officiers F.F.I., héros de la Résistance, condamnés respectivement à sept et cinq ans de prison, je ne me place pas sur le terrain d'une miséricorde sentimentale et purement gratuite à leur égard, c'est parce que j'estime qu'ils ont eu de très graves raisons d'agir comme ils l'ont fait.

La grâce des condamnés est promulguée à Maubeuge le 26 octobre. Je vous prie de remarquer la date encore proche de la libération. Les détenus sont dans une caserne.

« Il était sans doute possible, dit Lambert, de faire partir immédiatement Jacquet et Pinguet à la prison de Loos; mais je suis certain que nous aurions eu, dans les deux ou trois heures qui suivaient, quinze mille à vingt mille personnes, dont peut-être la moitié armées, qui seraient venues à la caserne lyncher le restant des détenus ».

Or, il résulte ce qui suit des diverses déclarations:

Premièrement, dans les jours qui ont précédé le jour fatal, les commandants Prosper et Lambert ont, à plusieurs reprises, retenu et calmé les manifestants pour gagner du temps — je passe les citations, mais elles pourraient être nombreuses;

Deuxièmement, les charges pesant contre Jacquet et Pinguet étaient graves et, vraisemblablement, le dossier transmis à la cour des grâces n'était pas complet, la cour martiale exceptionnelle de Maubeuge n'ayant pas entendu tous les témoins et ayant néanmoins condamné à mort Jacquet et Pinguet ainsi que trois autres détenus;

Troisièmement, il y avait dans la prison bon nombre de détenus arrêtés à la libération, dont la grande majorité ne méritait pas pour autant la peine de mort. « Des enfants » — dit Henri Petit — « qui ont dix-huit ans maintenant, mais qui en avaient quatorze à la guerre, en 1940, qui ne méritaient même pas une détention aussi longue, alors que les chefs sont encore en liberté ou se sont sauvés »;

Quatrièmement, « la foule était armée et elle avait soif de justice », dit encore Henri Petit.

« La transformation du jugement de condamnation à mort pour les travaux forcés à perpétuité a véritablement fait l'effet d'une bombe », dit Gombert. « Nous n'aurions donc pu faire qu'une chose, affirme Lambert, un retrait symbolique du poste de garde et laisser massacrer des gens qui ne l'auraient pas mérité. »

Pourquoi ? La force armée était matériellement incapable de contenir la foule beaucoup plus nombreuse qu'elle; il était d'ailleurs moralement impossible de demander aux soldats F.F.I. de tirer sur leurs parents et sur leurs amis. « Les F.F.I. encasernés se seraient retrouvés avec leurs camarades de lutte, face à face, l'un en soldat, l'autre en civil », dit Lambert. Jamais la troupe n'aurait levé les armes ni fait feu sur la foule. « Nous n'aurions pas fait tirer les soldats contre leurs pères et mères, dit Cornu, capitaine du 1er blindé. »

Le témoin Derick en conclut: « L'acte du commandant Prosper est non seulement courageux mais salutaire. Il a évité le pire. »

Cinquièmement, après l'exécution de la décision prise par le commandant Prosper, le commandant lui-même, Lambert et Caucheteur ne se sont pas dérobés aux autorités régulières. Ce point est d'importance pour éclairer leur psychologie. D'aucuns fuient les mandats d'arrêt: ils ne sont pas du nombre, alors que la population aurait certainement accepté de les cacher.

Nous sommes donc en présence d'un cas de force majeure, je ne dis pas dans une période, mais au sein d'une atmosphère encore insurrectionnelle — 26 octobre — dans un milieu industriel très durement éprouvé par l'occupation et par la collaboration, le bassin de la Sambre.

« Des milliers de patriotes ont souffert dans leurs familles; ces gens n'ont pas le bénéfice d'un jardin. Je donne ces détails, explique Gombert, pour dire à quel point ces populations avaient souffert du ravitaillement. »

Or, nous le savons, l'épuisement nerveux crée l'agitation et la fébrilité.

« 350 déportés, disparus, fusillés pour la région de Maubeuge », précise André Dupan. Ce chiffre est lourd de répercussions dans les familles.

C'est d'accord; nous sommes en présence d'un cas d'exception. Si je ne demande pas la mise en liberté des officiers de Maubeuge au nom d'une charité purement gratuite, je ne la demande pas non plus en vertu d'un règlement de justice matériellement applicable dans une lettre rigoureuse. Mais la décision du commandant Prosper ne peut-elle se justifier à titre exceptionnel? De tels cas sont-ils, *a priori*, condamnés par la philosophie morale? Je ne le pense pas.

Ecoutez un docteur du XIIIe siècle qui, sur ce point, n'a pas vieilli:

« Les actes humains pour lesquels les lois positives sont faites sont des cas singuliers et concrets variables à l'infini. Il est donc impossible d'établir une règle absolument universelle. En certains cas extraordinaires, l'observation d'une loi irait contre la justice et le bien public que la loi entend précisément sauvegarder. En pareil cas, obéir à la loi ce serait mal agir; au contraire, c'est bien agir que de négliger la lettre de la loi pour faire ce qu'exigent la justice et le bien public. Il n'est pas douteux que c'est pécher contre la loi que d'en observer la lettre si, par là même, on en viole l'esprit. Juger de la loi, c'est dire qu'elle est mal faite; mais dire que les termes de la loi n'obligent pas en telle ou telle circonstance bien particulière, c'est juger non pas de la loi elle-même, mais d'un cas déterminé qui se présente. Dans les cas évidents, ce qu'il faut, ce n'est pas interpréter, mais agir. »

Ainsi s'exprime l'un de nos grands docteurs, lorsqu'il traite de l'équité, expression à la fois la plus haute et la plus souple de la justice légale: la plus haute, car elle vise le bien commun, la plus souple aussi, car, prenant sur elle de sacrifier la lettre pour sauver l'esprit, elle n'agit que par manière d'exception aux frontières du possible.

C'est sous le signe de cette justice exceptionnelle que le général de Gaulle se dressait à la hauteur de circonstances exceptionnelles lorsqu'il s'écriait le 18 juin 1940: « Moi, général de Gaulle, j'invite les officiers et les soldats français... »; et, le 11 novembre 1940: « Puisque ceux qui étaient nos chefs ont, par panique ou désespoir, renoncé à leur devoir, nous avons décidé, dans la honte et dans la douleur, de ne plus les reconnaître »; et le 23 septembre 1941: « Nous n'avons qu'un seul guide: la France ». (*Vifs applaudissements.*)

Les uns dès le début, les autres plus tard, c'est au nom de cette justice excep-

tionnelle et souveraine que nous avons soutenu la résistance clandestine et l'insurrection nationale. (*Très bien! très bien! et nouveaux applaudissements.*)

Philosophes chrétiens, nous enseignons depuis toujours que, lorsque le bien commun de la nation est gravement en cause, au jugement même de la nation, il est légitime de s'insurger dans une certaine perspective de réussite et de s'entendre appeler traître et dissident par le gouvernement de fait aux décisions duquel on s'oppose. (*Applaudissements.*)

C'est ce qu'a fait le général de Gaulle pour le salut de la France.

Et, sous le signe de cette même équité, forme exceptionnelle de la justice, nous enseignons encore — écoutez bien — qu'il est également légitime, en temps normal, sans mettre en cause pour autant l'autorité de l'Etat, ni le bien-fondé d'une loi, de passer outre à la lettre d'une décision positive, à ses propres risques et périls, dans une conjoncture d'application pratique, urgente et difficile pour sauver le bien commun.

A mon sens — je puis me tromper —, c'est ce qu'a voulu faire et c'est ce qu'a fait le commandant Prosper, le 26 octobre, à Maubeuge.

M. Maurice Schumann. Voulez-vous me permettre de vous interrompre ?

M. le R. P. Philippe. Volontiers, mais je vous prie d'être bref.

M. le président. La parole est à M. Maurice Schumann, avec la permission de l'orateur.

M. Maurice Schumann. Si vous êtes faillible, monsieur le révérend père Philippe, je le suis beaucoup plus encore; mais après avoir étudié l'affaire de Maubeuge de très près et avec beaucoup de scrupules de conscience, j'ai abouti aux mêmes conclusions que vous et c'est un témoignage que j'ai cru de mon devoir de rendre public. (*Applaudissements.*)

M. le R. P. Philippe. Je vous remercie.

Le droit de grâce du chef d'Etat n'est pas en cause. Mais fallait-il qu'en fait la grâce de deux condamnés à mort devenus bagnards à perpétuité fût l'occasion d'une forte émeute qui aurait provoqué la mort et de ces deux bagnards et de bien d'autres victimes, moins coupables sinon innocentes, et peut-être très nombreuses ? D'où représailles, d'où sanctions, bref, le pire.

De telles répercussions pouvaient-elles être, je ne dis pas dans l'intention, la question ne se pose pas, mais dans les prévisions de la grâce accordée ? Je ne puis pas le penser; cette grâce aurait coûté trop cher.

Je ne cherche pas à légitimer moralement l'aveugle pression d'une foule. Nous connaissons la psychologie des foules. Mais je conçois cette aveugle pression comme un fait brutal s'imposant au commandant Prosper. Dès lors que le commandant juge en fait inapplicable la mesure de grâce par exception, ces deux hommes ne sont plus des bagnards, ils sont des condamnés à mort. Le commandant Prosper, lui, n'est pas la foule, et j'estime qu'ayant agi de manière équitable devant une force indomptable, il peut être libéré au titre de l'équité.

Ce n'est pas une question de faiblesse, c'est une question de justice. Mais c'est une question de justice à un titre tout à fait exceptionnel. Il ne s'agit pas de généraliser dans l'abstrait. Dans un domaine aussi complexe, il est plus vrai que partout ailleurs d'affirmer qu'on ne peut pas se baigner deux fois dans le même fleuve.

Ainsi, je rejoins là la déposition du lieutenant de gendarmerie Bernadeau qui dit : « Le commandant Prosper et le commandant Arthur ont rendu un grand service à la population de Maubeuge en lui évitant de commettre un carnage. Naturellement, au point de vue militaire, on peut les condamner parce qu'ils ont désobéi, mais, au point de vue moral, ils n'avaient pas d'autre moyen d'agir. »

Me faisant l'interprète du Front national, je demande la libération des trois officiers de Maubeuge et la revision de leur procès. Je formule ces demandes au nom de l'équité, laissant à d'autres la responsabilité de rejoindre mes propres conclusions par le chemin du pardon.

Malgré la crise du papier, certains articles de journaux paraissent qui aiment à ironiser sur l'union de la Résistance. Peut-être seront-ils tentés de se moquer d'un religieux plaidant en faveur d'un communiste, puisque Lambert était communiste. Mais cela nous ferait mal, et même très mal, eu égard aux morts de la Résistance qui ont mêlé leur sang pour la même cause, faut-il le redire, de d'Estienne d'Orve à Gabriel Péri. (*Vifs applaudissements.*)

Dans la Résistance, il n'y a jamais eu pour moi ni communistes, ni socialistes, ni catholiques. Il n'y avait que des Français au service de la France. (*Vifs applaudissements.*)

L'habit que je porte dit assez que je ne me ferai ici l'accusateur de personne en particulier. Mais si je comprends que la justice doit avoir de rigoureuses exigences proportionnées aux délits contre ceux qui ont torturé, fusillé, tué, activement collaboré au service de Hitler, contre ceux qui se sont scandaleusement enrichis aux dépens des pauvres, contre la corruption de l'argent sous toutes ses formes, contre le sabotage des dossiers, contre les méthodes de calomnie et de vengeance personnelle, je serai, moi, dans mon rôle — et je sais, mesdames, messieurs, que vous le comprendrez — en insistant sur la compréhension qu'il faut avoir pour les besogneux et les petites gens de la collaboration, victimes trop souvent de leur pauvreté réelle, de leur faiblesse ou de mauvais exemples dont ils ne portent pas la responsabilité. (*Très bien! très bien!*)

Pour être franc, je dois dire qu'à mon sens il y a quelquefois trop de dureté contre le lampiste. (*Applaudissements.*)

J'en pourrais citer bien des cas. La justice est souvent trop dure par en bas. Que les juges et les jurés y réfléchissent! S'ils ne sont pas des provocateurs, ils compromettent, sans le vouloir, l'œuvre même de la justice; s'ils sont des provocateurs, il faut les éliminer. C'est chose grave qui pourrait contribuer à conduire au pire.

Je sais bien que ce dernier trait n'est qu'un aspect du problème de la justice; d'accord! Mais je suis dans mon rôle en le soulignant pour que la justice soit ce qu'elle doit être et finalement, car nous y aspirons tous, pour la paix des esprits et des cœurs. (*Vifs applaudissements prolongés.*)

M. le président. M. Bonte renonce à la parole. L'Assemblée le regrettera, mais votre président l'en remercie.

La parole est à M. Ramette.

M. Arthur Ramette. Mesdames, messieurs, après la brillante intervention que vient de faire le R. P. Philippe, je m'en voudrais, étant de la région où s'est déroulé le drame qu'il a évoqué à cette tribune, de ne pas ajouter quelques mots. Je n'abuserai cependant pas de vos instants.

Comme l'a très bien fait ressortir le R. P. Philippe, si l'on veut juger avec sérénité et justice les événements qui se sont déroulés à Maubeuge, il faut essayer de se replacer dans l'atmosphère qui existait alors. Le R. P. Philippe a très bien fait de souligner la date à laquelle ces événements se sont passés : le 26 octobre 1944, c'est-à-dire deux mois après la libération de notre territoire, et cela dans un centre métallurgique où la population ouvrière a beaucoup souffert, non seulement de la guerre, mais du fait de collaborateurs qui ont accordé leur concours à l'ennemi, pour qu'il exerce la répression la plus brutale contre les travailleurs réfractaires qui refusaient de se soumettre à la domination de l'ennemi et de partir travailler en Allemagne.

Parmi ces collaborateurs se trouvait un industriel nommé Jacquet, président du groupe « Collaboration », qui se faisait une profession de dénoncer les ouvriers réfractaires. On a trouvé chez lui des lettres anonymes expédiées à la kommandantur. Par sa faute, des centaines de Français ont été poursuivis, condamnés; maints d'entre eux ont trouvé la mort, assassinés par les boches; d'autres ont été déportés.

Après une manifestation qui s'est déroulée dans cette région, 160 membres de l'O. C. M. furent arrêtés et déportés du fait de ce triste individu. Il avait, comme associé dans son œuvre de trahison, un nommé Pinguet, directeur d'usine, membre du R. N. P., président du C. O. S. I. et chef de la milice du bassin de la Sambre.

Contre ces hommes, grandes étaient la haine et la colère, tout à fait légitimes, des Français de cette région.

Elles étaient justifiées par les actes criminels de trahison de ce Pinguet et de son associé. A la libération, ces traîtres sont incarcérés à la caserne Joyeuse à Maubeuge. Immédiatement des manifestations se produisent, exigeant non seulement l'arrestation, mais la condamnation immédiate de ces deux individus et de tous leurs comparses.

Une cour martiale se réunit devant la pression populaire. Elle est présidée par un officier d'active, le colonel Lajouanie. Pinguet et Jacquet sont condamnés à mort ainsi que trois de leurs comparses.

Les faits en sont là. On aurait pu penser, espérer que la condamnation ramènerait le calme dans la population. Mais il faut se rappeler dans quelle période ces faits se passaient. Nous étions à quelques semaines de la libération. La colère ne pouvait pas s'apaiser aussi rapidement et aussi facilement.

Des bruits circulent, dans la population, que l'on va transférer les condamnés dans une autre prison en vue de les faire échapper à l'exécution de la sentence, qu'ils ont tant de fois méritée.

Voici que la situation va encore se corser. Des faits vont exciter la colère populaire : Toute une suite d'attentats se produisent, perpétrés par des hommes de la cinquième colonne : un sergent-chef est tué, trois F. F. I. sont assassinés, deux patriotes n'échappent à la mort que par hasard, d'autres patriotes, dirigeants d'organisations de la résistance, sont menacés. Enfin, l'impudence des hommes de la cinquième colonne, des traîtres, est telle que sur les murs de la ville de Maubeuge, d'Hautmont et des autres centres du bassin de la Sambre paraissent des inscriptions : « Vive Hitler! »

Vous comprenez qu'alors le courroux est sans égal, l'indignation est à son comble. De plus, les bruits concernant le transfert des prisonniers dans une autre prison ameutent la population. Des délégations se

multiplient pour s'assurer que Jacquet et Pinguet sont toujours en prison. C'est à ce moment, alors que l'agitation règne dans la région, le 25 octobre, que parvient la nouvelle: la peine de mort appliquée à Jacquet et Pinguet est commuée en peine de prison perpétuelle.

Evidemment, on comprend, en de telles circonstances, en présence de ces événements, comment la foule a pu être conduite à se porter, par des manifestations répétées et toujours plus amples, aux abords de la caserne Joyeuse, qu'elle assiège à plusieurs reprises.

Or, il y a dans cette caserne, non pas seulement Jacquet et Pinguet, mais une centaine d'autres condamnés, la plupart pour des faits beaucoup moins graves. Et le R. P. Philippe a insisté sur ce point que même un jeune homme, âgé de dix-huit ans, qui s'est laissé engager dans la L. V. F. à quinze ou seize ans, se trouve dans cette caserne.

La foule veut en forcer les portes. Elle veut s'emparer des condamnés. Dans une telle situation, que devaient faire ceux qui avaient la garde de ces prisonniers ? C'est devant l'alternative suivante que se trouvent à ce moment-là le commandant Prosper et ses amis.

Il faut choisir: ou ne prendre aucune responsabilité, se laisser déborder par la foule, la laisser pénétrer dans la caserne — et nous assistions alors au massacre de plus de cent condamnés — ou essayer de limiter les dégâts.

C'est à ce moment que le commandant Prosper, avec ses deux compagnons, pour calmer la colère populaire, décide d'exécuter la sentence qui a été prise par le tribunal quelque temps auparavant. En exécutant des hommes qui ont mérité cent fois la mort par leurs actes criminels de trahison et par leurs dénonciations de Français à la vindicte de l'ennemi, du boche, ils ont, de cette façon, évité le pire.

Le R. P. Philippe nous a apporté des témoignages, notamment celui du gendarme Bernardeau. A tout ce qu'a signalé le R. P. Philippe, il faut aussi ajouter ce que déclare Bernardeau, le lieutenant de gendarmerie: « Si Arthur et Prosper n'avaient pas exécuté Jacquet et Pinguet, je l'aurais fait moi-même. Leur geste a évité un carnage. » Et c'est le général Joinville qui, questionné par l'avocat, Me Normand, déclare: « Il appartient à un militaire d'exécuter les ordres qui lui sont donnés. Lorsque les supérieurs sont absents, il y a des initiatives à prendre. Quant à moi, il est infiniment probable que, placé dans ces circonstances, j'aurais pris la même initiative. »

Voilà le témoignage de deux officiers, dont l'honneur ne peut être contesté: s'ils avaient été placés dans la même situation que Prosper et ses compagnons, ils auraient agi de même.

Voilà la déclaration qu'ils ont faite devant le tribunal; c'est-à-dire qu'en soldats ils auraient pris leur responsabilité.

Prosper et Arthur, leurs compagnons, sont des hommes dont le passé de patriotes ne peut pas être mis en doute, ne peut pas être contesté, qui ont su faire leur devoir pendant l'occupation, qui sont presque des héros de légende. Placés dans une situation où ils avaient à prendre leurs responsabilité, ils les ont prises, évitant ainsi le pire. Ils avaient à choisir entre l'exécution de deux assassins, de deux traîtres qui avaient livré des dizaines et des dizaines de Français à l'ennemi et le massacre de cent condamnés. Ils ont choisi, en soldats, sachant — je le répète — prendre leurs responsabilités.

C'est pourquoi je m'associe entièrement à la demande formulée ici par le R. P. Philippe, à savoir qu'il faut absolument reviser le procès de Maubeuge. Il faut libérer ces héros de la libération nationale, ceux-là qui ont donné toute leur vie pour que vive la France, pour que soit libéré notre pays. Il faut les faire sortir de prison; il faut les remettre à leur place, au combat contre l'hitlérisme. (*Applaudissements.*)

M. le président. La parole est à Mme Couette.

Mme Marie Couette. Monsieur le président, je renonce à la parole parce que M. Gillot en a dit plus que je n'en avais à dire.

M. le président. Je vous en remercie, madame, au nom de l'Assemblée.

La parole est à M. Guillery.

M. Pierre Guillery. Mesdames, messieurs, je demande à M. le ministre de la justice si les deux cas que je vais exposer brièvement sont directement ou indirectement du ressort de son ministère.

Il y a là-bas, en Afrique équatoriale française, deux personnages dont les fonctions sont telles qu'ils ont pu, à Libreville, au Gabon, fin août 1940, établir le régime de Vichy. Cela s'est, d'abord, traduit par l'arrestation, la déportation, et même l'emprisonnement d'un certain nombre de patriotes, pour se solder, deux mois plus tard, par les combats sanglants de Libreville et le suicide du gouverneur de cette colonie.

Il s'agit de l'évêque Tendy et de l'avocat Cremona qui, le 30 août 1940, alors que le Gabon venait de se rallier au général de Gaulle ont, par leur propagande, et leur action directe sur le gouverneur, fait revenir celui-ci sur son ralliement de l'avant-veille, félonie qui a eu pour conséquence les faits que je viens de vous énumérer.

Ces deux personnages qui figurent donc parmi les grands responsables de ces tragiques événements de novembre 1940, sont toujours en place; et ceci ne va pas sans risquer de donner lieu, un jour ou l'autre, à des incidents qui, espérons-le toutefois, pour le cas où ils viendraient à se produire, ne se traduiront pas par l'arrestation de patriotes, comme cela vient d'arriver en France aux officiers de Maubeuge.

C'est pourquoi je demande à M. le ministre de la justice s'il est du ressort de son ministère de décider — ce qui permettra la mise en application de la première mesure qui s'impose à l'égard de ces deux personnages — leur expulsion de l'Afrique équatoriale française, théâtre de leurs tristes exploits.

Je désire également savoir ce qui sera fait pour empêcher ceux qui ont quitté l'Afrique équatoriale française et le Cameroun en août 1940 d'y revenir. Ces gens nous ont quittés lâchement, croyant, en agissant ainsi, ne courir aucun risque. Il faut que cette attitude, qui est une sorte de désertion, soit sanctionnée par l'interdiction de ne plus pouvoir venir reprendre des places qu'ils n'ont pas eu le courage de garder.

Il faut même qu'on ne les revoie plus aux colonies, aussi bien au ministère que dans les territoires de notre empire. (*Très bien! très bien!*)

M. le président. La parole est à M. Hamon.

M. André Hamon. Messieurs, l'Assemblée me permettra une brève observation dont l'objet est peut-être moins de provoquer ici une discussion que de marquer la nécessité d'un débat ultérieur.

M. André Philip, dans son rapport, évoquait l'importance du problème des naturalisations et le développement qu'il avait entraîné pour les services compétents qui dépendent du ministère de la justice.

C'est sur la nécessité d'une politique véritable des naturalisations que je désire intervenir très rapidement.

La politique xénophobe de tracasseries et d'inhumanité de Vichy, là comme ailleurs, a tourné très exactement le dos à ce qu'étaient le véritable intérêt français et le vrai souci de la grandeur française.

Si nous avons eu, au cours de ces dernières années, le sentiment tragique que le nombre des Français, le volume de la France, n'étaient peut-être pas assez grands pour porter le message de notre pays dans le monde, force nous est bien de dire ici que la IIIe République, par elle-même, ne nous apporte pas un concours suffisant, car elle n'a pas eu une politique véritable, une politique suivie de l'immigration et de l'assimilation à la France.

Il faut embrasser tout l'ensemble de ce problème qui comporte deux aspects: d'abord, la politique de la natalité; d'autre part celle de l'assimilation. En ce qui concerne la politique de la natalité, l'Assemblée a déjà entendu M. le ministre de la santé publique. Elle a connu ses projets; il a montré que ce n'était pas en limitant la démocratie, que ce n'était pas en se tournant exclusivement vers les anciennes traditions, mais que c'était aussi en faisant appel à l'esprit de réalisme des travailleurs et à leur concours qu'il était possible d'espérer un relèvement substantiel de la natalité française.

Nous savons d'ailleurs que cela ne suffit pas, parce que l'âge de notre population ne permet pas un relèvement rapide et parce qu'enfin on n'obtiendrait là que des résultats qui, pour la reconstruction de la France, pour le développement de son économie, ne seraient valables que dans une vingtaine d'années. Or, nous aurons besoin demain de millions de bras pour reconstruire notre pays; il faudra donc accueillir les hommes qui viendront de toute part pour entreprendre l'œuvre qui nous attend.

La tâche de demain, c'est l'invitation à la grandeur française, selon l'expression d'un écrivain, et c'est une invitation que nous voulons voir accepter, celle-là.

Dans ces circonstances, un ensemble de problèmes se pose à vous, monsieur le garde des sceaux. Il ne suffit pas de prévoir des naturalisations à propos desquelles nous savons que, sous votre impulsion, vos services feront preuve d'un libéralisme nouveau. Le problème des naturalisations doit être coordonné avec une politique d'importation de la main-d'œuvre basée sur la sélection et la répartition de la main-d'œuvre selon les besoins locaux, les aptitudes et les facultés d'assimilation. Cette tâche doit être menée par votre département en liaison tout au moins avec le ministère du travail et le ministère de la santé publique. Entre tous les départements intéressés doit s'établir une liaison qui pourrait être réalisée par un commissariat à la population française, dont nous souhaitons l'institution.

Certes, cette politique d'assimilation à la fois massive et dirigée, à la fois humaine et française, parce que consciente de l'intérêt français, ce n'est pas aujourd'hui qu'on peut l'appliquer. Mais dès aujourd'hui on la peut préparer et, tout de même que dans un autre domaine l'Assemblée votait des crédits pour préparer un budget du tourisme dont elle sait qu'il ne peut pas entrer en vigueur dès aujourd'hui, mais dont elle pense que l'étude doit commencer sans tarder, nous souhaiterions savoir comment vous envisagez cette poli-

tique et comment, dès aujourd'hui, vous pouvez préparer ce qui, demain, sera le moyen de la grandeur française.

Un tel débat excède peut-être le cadre d'une discussion budgétaire, peut-être même le cadre de votre seul département. Mais il n'était pas mauvais que ce problème de la population française fût évoqué précisément à propos des naturalisations, car notre pays appauvri, saigné, auquel d'aucuns contestent encore son rang, aura ainsi affirmé qu'il n'a pas perdu l'espérance en lui-même, qu'il sait encore le rayonnement qu'il peut exercer dans le monde, qu'il sait l'attrait dont il dispose, qu'il sait qu'il peut connaître encore ce qu'aux plus sombres jours d'oppression et de clandestinité un de nos plus grands écrivains de l'illégalité pouvait appeler la marche à l'étoile.

Cette marche à l'étoile, comment la concevez-vous ? Que font vos services pour l'organiser ? Tel est le point sur lequel, monsieur le ministre, nous aimerions entendre vos explications. (*Applaudissements.*)

M. le président. La parole est à M. Tubert.

Plusieurs délégués. A demain !

M. le président. Messieurs, il n'y a plus que trois orateurs inscrits; il faut savoir finir une discussion. (*Très bien! très bien!*)

La parole est à M. Tubert.

M. Paul Tubert. Mesdames, messieurs, désireuse d'embrasser dans son ensemble et dans un même débat tout le problème de la justice, la commisison de la justice et de l'épuration m'a chargé d'intervenir en son nom pour ce qui concerne le problème de la justice militaire et de l'épuration dans l'armée, qui est du ressort du ministre de la guerre.

A la vérité, nous avons déjà abordé, devant ce dernier, cette question en commission plénière, mais M. le ministre de la guerre n'a daigné faire aucune réponse, ni verbale, ni écrite, pour expliquer les faits graves que nous lui avons signalés. De cela, notre susceptibilité ne s'émeut guère, mais notre logique prend une nouvelle fois la mesure du dédain qu'éprouve le ministre pour cette Assemblée.

Pourtant, on nous permettra de le rappeler ici, aux termes de l'ordonnance du 11 octobre 1944, l'Assemblée est chargée de « fournir une expression aussi large que possible de l'opinion nationale et d'exprimer au Gouvernement les désirs, les colères et les souffrances du pays ». C'est le texte même de l'ordonnance. C'est donc à la fois notre droit et notre devoir de dire la vérité, et nous allons nous y efforcer.

La justice est un besoin inné de l'homme, qu'il soit en paix ou en guerre, en période calme ou en révolution. Si le peuple romain se contenta, à une époque de son histoire, et pour son malheur, de pain et de jeux, nous nous refusons à croire que notre pays en est arrivé au point de se laisser mener avec un peu de pain et beaucoup de cinéma.

Après le pain, c'est de justice que nos compatriotes ont le plus grand besoin. A cet égard, la justice militaire n'est qu'une branche du grand arbre de la justice. Aussi les principes et les méthodes de l'ordre judiciaire doivent-ils y trouver également leur place, et la substitution de l'uniforme à la robe ne saurait modifier la mentalité du magistrat, de même que l'autorité du ministre de la guerre remplaçant celle du ministre de la justice ne saurait justifier la méconnaissance du droit et les violations des principes les plus élémentaires d'équité.

Ceci est dit seulement pour expliquer l'attitude de la commission de la justice qui a tenu à ce que des observations concernant, dans ce domaine, le département de la guerre soient présentées dès aujourd'hui à cette tribune.

Nos observations porteront sur la justice dans l'armée, dans l'acception la plus large du terme, c'est-à-dire que nous examinerons successivement l'activité déployée dans cet ordre d'idée sur les trois plans relevant de l'autorité du ministre : le plan disciplinaire, le plan judiciaire et le plan politique de l'épuration.

Sur le plan disciplinaire nous constatons trop souvent — coïncidence ou incidence — la rencontre de relations personnelles ou d'interventions extérieures dans des décisions qui devraient être objectives. Nous ne voulons pas passionner le débat en y mêlant des questions de personnes, mais notre qualité de représentant de la Résistance de l'Algérie nous oblige à signaler l'indignation des patriotes du 8 novembre 1942 que l'on persiste à brimer, car le haut commandement ne leur pardonne pas de l'avoir paralysé ce jour-là pour libérer l'Afrique du Nord.

Nous nous bornerons à évoquer seulement deux cas bien typiques. Le premier est celui d'un jeune étudiant, adjoint au capitaine Pilafor, qui fut admirable de bravoure et suppléa son chef tué au cours des opérations. Il n'a pas encore reçu l'hommage d'un simple ruban alors que, volontaire parachutiste, il remplit avec succès, sur les arrières de l'ennemi, de nombreuses missions.

Le deuxième cas est celui d'un colonel breveté qui s'est distingué dans les opérations qui permirent le débarquement et qui n'a pu obtenir, à ce jour, un commandement, alors que les chefs militaires de Vichy ont été comblés, comme jamais un régime victorieux n'a récompensé les siens. Nous avons assez d'abnégation pour rester silencieux devant certains faits et certaines situations qui révoltent la conscience, mais que la nécessité a pu imposer au Gouvernement. Mais que ce même gouvernement abandonne ceux qui ont été ses fidèles dans les mauvais jours, et dans un milieu hostile, aux plus fermes soutiens du régime de Pétain qui sont aujourd'hui en bonne place, nous ne pouvons l'admettre. Que, dans l'armée, les patriotes soient à la merci de mercenaires, c'est un fait contre lequel protestent le cœur et la raison.

Par ailleurs, d'une façon plus générale, nous demandons que cesse cette débauche de galons pour les gens bien en cour, paisiblement casés à l'arrière, particulièrement à Paris.

Pour nous en tenir aujourd'hui au seul domaine de la justice militaire, nous relevons des capitaines promus commandants en juin et lieutenants-colonels en décembre, et il ne s'agit pas de F. F. I. Il est vrai que, dans ce pays, à l'inverse de la logique et contre l'intérêt des contribuables, il y aura bientôt plus de colonels que de capitaines.

Mais quand il s'agit d'honorer par décoration posthume la mémoire de ceux qui ont fait le suprême sacrifice, on se refuse à appliquer les textes réglementaires.

Sur le plan judiciaire, celui des tribunaux militaires, considérons la mise en mouvement de l'appareil judiciaire, c'est-à-dire les ordres d'informer. Le moins que l'on puisse dire, c'est qu'il n'y a aucune politique définie de la répression. Si elle avait existé, elle aurait évité ces jugements divers et contradictoires qui déconcertent l'opinion publique.

L'exemple le plus magistral du décous des inculpations nous est donné par l'a tion exercée contre les hautes personn lités civiles et militaires de l'Empire q ont opposé les troupes du gouvernemer de Vichy tant aux forces françaises libre qu'aux armées alliées continuant la lutt contre l'axe.

Si partout les responsabilités ont in combé, à des degrés divers, d'une par aux chefs de colonies, d'autre part, au commandants militaires de terre, de m et de l'air, les poursuites judiciaires o été engagées de façon telle que des pe sonnalités dont le rôle a été sensibleme analogue sont les unes inculpées et les a tres épargnées et, parmi celles-ci, certain ont vu leur situation brisée et certain poursuivent encore sans encombre le carrière.

Un autre exemple nous est fourni p les poursuites exercées contre les eng gés dans la légion tricolore, parfois sév rement condamnés, alors que les chefs q les ont incités à conclure cet engageme ne sont nullement inquiétés.

En ce qui concerne les lenteurs de justice militaire, un gros argument d'é cuse fut le nombre insuffisant des mag trats militaires. Or, il a été nommé da le corps des assimilés spéciaux de la j tice militaire des personnes qui n'y ont mais fait de services et dont la nominati ne fut qu'un moyen commode de recev d'emblée trois galons de capitaine. Il s trouve ainsi éparpillés dans divers ser ces, parfois même dans des services civ où leur emploi, d'ailleurs illégal, n'a d'a tre but que de leur procurer, en plus leur traitement civil, toutes les indem tés militaires afférentes à leur grade et possibilité de prendre leurs repas pour prix dérisoire à l'hôtel Lutetia ou dans autre mess.

Quant à la composition des tribuna militaires, il y a lieu de distinguer de catégories de juges. La première compre les commissaires du Gouvernement et juges d'instruction qui, tous, appartie nent soit au corps des officiers de just militaire de l'armée active, soit au co des assimilés spéciaux.

M. le président. Monsieur Tubert, perm tez-moi de vous faire observer courtoi ment que l'Assemblée discute actuellem des crédits de la justice civile et non j de ceux relatifs à la justice militaire.

M. Paul Tubert. La commission de justice et de l'épuration m'a donné m dat d'intervenir en son nom.

J'ai fait observer aux membres de commission que M. le ministre de la gue ne devant pas être présent....

M. André Philip, *rapporteur géné* Nous n'en sommes pas à la discussion budget de la guerre.

M. Paul Tubert. ...lors de la discuss des crédits de la justice, mon intervent risquait de paraître mal venue.

M. le président. Monsieur Tubert, j'all également vous dire que l'Assemblée cutera ultérieurement du budget de guerre.

M. Paul Tubert. La commission de justice et de l'épuration a néanmoins sisté pour que je prenne la parole d cette discussion.

M. le président. Monsieur Tubert, il é de mon devoir de vous faire observer q vous traitez d'un ordre de questions ne sont pas afférentes au budget de justice.

M. Paul Tubert. Je m'incline, monsieur le président, et me serais déjà interrompu si l'observation m'avait été faite plus tôt.

Je reprendrai mon exposé le moment venu. (*Très bien! très bien!*)

M. le président. Il vous sera loisible de reprendre vos explications lors de la discussion du budget de la guerre.

M. Paul Tubert. M. le ministre de la guerre sera-t-il présent ? M. le ministre des finances m'avait donné l'assurance que M. le ministre de la guerre serait présent à la séance d'hier mardi.

M. René Pleven, *ministre des finances.* M. le ministre de la guerre sera présent lors de la discussion de son budget.

M. André Philip, *rapporteur général.* Il y est obligé.

M. le président. M. le ministre de la guerre sera présent lors de la discussion de son budget, je vous en donne l'assurance, monsieur Tubert.

M. Paul Tubert. En la circonstance, je n'ai fait que déférer au désir de la commission de la justice et de l'épuration. Je prie l'Assemblée de m'excuser.

M. le président. Il n'a pas été question pour moi de vous faire une autre observation que celle que me dictait le règlement.

M. François Labrousse. Est-ce que le *Journal officiel* relatera cet incident?

M. le président. Je le pense bien, monsieur Labrousse.

Auriez-vous déjà vu un incident qui n'aurait pas été relaté par le *Journal officiel* ? En tout cas, celui-ci y sera mentionné.

La parole est à M. Vivier.

M. René Vivier. Mesdames, messieurs, trois observations me semblent utiles à propos des travaux qui incombent au ministre de la justice. L'une concerne la législation des loyers, l'autre les naturalisations et la troisième l'épuration.

En décembre 1944, la création d'une commission d'étude des questions des loyers fut décidée. Elle fut chargée de préparer l'unification des textes législatifs en vigueur et de résoudre les divers problèmes soulevés par les rapports entre bailleurs et locataires.

J'aimerais connaître les résultats des travaux de cette commission. En effet, le problème de la reconstruction posant en corollaire la sauvegarde du patrimoine immobilier, aucun homme sensé ne pourrait comprendre qu'aux malheurs de la guerre s'ajoutent les conséquences de la législation néfaste qui, depuis 1919, conduit la propriété immobilière à la ruine et favorise les combinaisons les plus nuisibles à l'intérêt général.

Sans doute nous dira-t-on que le prix des immeubles a doublé depuis 1939. Ce prix a doublé parce que l'acquéreur se contente d'un revenu deux fois moindre et ce calcul purement spéculatif ne tient aucun compte des travaux d'entretien, qui représentaient 5 p. 100 du loyer brut de 1914 et qui atteignent 420 p. 100 de celui de 1944.

Aucun travail sérieux n'étant plus exécuté, le capital se détruit et les immeubles tombent en ruines. Malgré de trompeuses apparences, la construction, devenue non rentable, est presque arrêtée depuis 1914 et la corporation du bâtiment, qui comptait 1.200.000 ouvriers spécialisés en 1914, en réunissait plus, de ce fait, que 600 000 en 1939.

Il faudra dire très franchement si nous voulons ou non supprimer définitivement le droit de propriété et pratiquer la politique du logement et du pain gratuits. Là encore se dessinera cette ligne de partage des eaux dont parlait récemment l'un de nos éminents collègues et je saurai alors, sans hésitation, de quel côté me ranger, car je suis persuadé, basant mon jugement sur les expériences des assurances sociales et des habitations à bon marché, que, si l'Etat tente cette nouvelle démonstration, il inscrira une faillite de plus à son actif, faillite dont, une fois encore, le contribuable fera les frais.

Je sais qu'une fois de plus il serait fait appel aux bienheureux centimes additionnels. Mais, à force d'additions, les temps viendront où il n'y aura plus de centimes.

Flatter le peuple est une chose, lui proposer une discipline en est une autre et ce n'est pas en le flattant qu'on le sert.

Lincoln disait en 1858: « On peut tromper tout le monde pendant quelque temps ou quelques personnes indéfiniment, mais on ne peut pas tromper tout le monde indéfiniment. »

A chaque session, nous entendons demander des avantages spéciaux pour l'alcool. L'un de nos collègues ne disait-il pas hier: « A-t-on besoin d'alcool, oui ou non? » Je vous dis maintenant: A-t-on besoin de logements, oui ou non?

Les faits se chiffrent de la façon suivante : l'ouvrier maçon qui consacrait, en 1914, 12 p. 100 de son salaire au loyer, n'en consacrait plus, en octobre 1944, que 3 p. 100, contre 21 p. 100 en Italie, 20 p. 100 en Allemagne, 19 p. 100 en Angleterre et 12 p. 100 en Russie. Par contre, alors que la tuberculose détermine 79 décès sur 1.000 habitants en Allemagne et 83 en Angleterre, elle en détermine 153 en France.

Pour sauver dans l'intérêt commun le patrimoine immobilier, pour protéger les foyers contre la tuberculose, pour lutter utilement contre le taudis, il faut, par des mesures intelligentes, faire renaître l'habitude de consacrer à l'habitation une part beaucoup plus importante du budget familial.

Le décret du 26 septembre 1939 doit être abrogé partiellement; les dispositions qu'il comporte ne doivent subsister que pour les mobilisés, les prisonniers, les déportés politiques et du travail, leur femme et les personnes à leur charge ou vivant habituellement avec eux et les chômeurs contrôlés.

Le marché noir des appartements doit être sévèrement réprimé sous toutes ses formes, comme devrait l'être d'ailleurs tout marché noir, partout où il se manifeste. Nous attendons toujours, comme nous les avons vainement attendues en Algérie, les mesures exemplaires qui frapperont les seigneurs de cette nouvelle industrie.

Provisoirement, et en attendant que l'équilibre renaisse, une caisse de travaux pourrait être créée où seraient obligatoirement versées les augmentations de loyers. Les sommes déposées serviraient uniquement à l'exécution des travaux d'entretien et d'amélioration, sévèrement exigés et contrôlés par l'Etat, si celui-ci se sent enfin le courage d'être énergique.

Ainsi le propriétaire pourrait-il espérer tirer un revenu normal d'un capital qui représente souvent toute une vie de labeur.

Ainsi le locataire serait-il assuré de ne pas payer pour enrichir une certaine catégorie de citoyens, mais, bien au contraire, pour améliorer son propre bien-être et contribuer au relèvement général du pays.

Ainsi s'estomperaient, pour bientôt disparaître, les inimitiés entre Français, hier trop souvent dressés les uns contre les autres, aujourd'hui égaux devant les épreuves de la guerre, demain fraternellement unis pour reconstruire la paix.

La seconde question que je veux traiter est celle des naturalisations.

Comment ne pas concevoir que la France ait avantage à puiser de nouvelles forces dans un apport de sang étranger ? Mais aurait-elle intérêt à le faire sans plus de discernement qu'avant 1939 ?

Il s'agit bien plus, pour nous, de qualité que de quantité. Si notre pays avait été organisé comme il aurait dû l'être depuis la victoire de 1918, si chaque Français s'était senti appelé à contribuer à la grandeur du pays, si le citoyen moyen avait été moins dédaigné par certains services, si le voyageur avait été mieux reçu par nos représentants à l'étranger, si le soldat avait été mieux équipé et mieux armé, si tant d'énergies n'avaient été gaspillées, le rendement de chaque individu aurait été multiplié dans des proportions considérables et la question des naturalisations utiles ne se poserait même pas.

Ce n'est pas en naturalisant et en jetant en masse de nouveaux éléments dans le creuset qu'on changera la situation, mais en organisant ce qui existe.

Nous avons donc le droit et le devoir de nous montrer très difficiles et de naturaliser seulement ceux dont nous sommes assurés qu'ils seront de bons Français, ceux qui ont servi sous une forme ou sous une autre et ont montré que la France représentait à leurs yeux autre chose qu'une terre d'abondance ou un champ d'expériences.

C'est un honneur d'être Français, mais un honneur dont il faut être fier et qu'il faut mériter, comme le méritent ceux qui combattirent à nos côtés dans la résistance et ceux qui combattent encore pour la victoire de nos armes.

Un sujet annexe à celui des naturalisations est celui des changements de nom. Le *Journal officiel* en publie des listes impressionnantes.

Nous ne vivons plus sous l'occupation allemande et, à moins qu'il ne s'agisse de noms ridicules ou gênants, nous ne voyons qu'inconvénients pour l'équilibre national à modifier des noms dont personne ne peut avoir à rougir.

La troisième et dernière question est celle de l'épuration.

Tout doit être fait pour que l'épuration se termine rapidement, afin que le pays, délivré de cette préoccupation si légitime, puisse axer toutes ses énergies vers la guerre et la reconstruction.

Durant l'occupation, à la pointe avancée du combat, nous devions procéder nous-mêmes à l'exécution des traîtres. Aujourd'hui, le gouvernement du général de Gaulle ayant remplacé le gouvernement de trahison, c'est à lui seul que revient le droit et le devoir de rendre la justice.

Nous devons l'aider dans son travail par nos suggestions et nos critiques et faire confiance aux hommes qui le représentent, surtout lorsque leur tâche est difficile et plus particulièrement lorsque ces hommes sont d'anciens compagnons de la lutte clandestine.

Il convient de reconnaître que le personnel de la justice a été aussi sévèrement épuré que celui de n'importe quel autre ministère.

Là comme ailleurs, un manque de coordination interministérielle nuit parfois à la marche rapide des affaires. Il ne peut être imputable au seul département de la justice. La police également, auxiliaire nécessaire de la justice, a ses déficiences devant les obstacles qu'elle doit vaincre. Si certains ministères ont mis moins d'ardeur à procéder à l'épuration, si quelques figu-

res remontent parfois des profondeurs où nous espérions les voir définitivement disparues avec le poids de leur passé, la justice n'en est pas responsable.

Si des internements abusifs, conséquences des luttes de classes ou de partis, interviennent encore sous le coup de la lassitude ou de la crainte, comment se plaindre ensuite du retard apporté au travail nécessaire à l'assainissement du pays ?

Si la plupart des chambres syndicales d'entreprises et de commerce n'ont pas encore transmis leurs dossiers, comment critiquer la justice qui n'est pas saisie ?

Tous parlent alors de l'épuration et bien peu de gens ont le courage civique de prendre leurs responsabilités en aidant le ministre.

Si parfois les comités de libération refusent de communiquer leurs dossiers, comment s'étonner que le jour soit aussi lent à renaître ?

Enfin, si dans des villes connues par leur calme des incidents éclatent, comment ne pas regretter une fois de plus que l'on n'ait pas assez conscience du fait qu'il appartient au Gouvernement, et au Gouvernement seul, d'arrêter, de juger, de condamner ou d'absoudre ? C'est avec des actes de froide justice que l'on punit les crimes et non pas avec des colères et des révoltes qui troublent les perspectives de l'Histoire.

Quoi qu'il en soit, les cours de justice, depuis leur création jusqu'au 31 décembre 1944, ont jugé 5.845 affaires et prononcé 471 condamnations à mort. De plus, durant le seul mois de janvier, elles ont jugé 1.957 affaires et prononcé 149 condamnations à mort.

Je ne dis pas cela pour jeter des cadavres en pâture à la colère des foules, ni pour faire oublier les traîtres qui livrèrent nos amis, nos femmes, nos enfants à la police allemande. Ceux qui ont souffert ont le droit et le devoir d'accuser. Ces victimes du plus odieux des crimes seront vengés et le monde ne sera pas assez grand pour cacher les fautes des criminels.

Mais le monde nous observe, étonné de voir la France secouer ses entraves, panser ses blessures, refaire sa grandeur, et le général de Gaulle n'a-t-il pas dit que la grandeur ne se divisait pas ?

La façon dont nous rendons la justice nous a valu d'éviter des troubles que d'autres nations ont connus. Elle est, avec la façon dont nous menons la guerre, l'un des éléments essentiels de notre grandeur (*Applaudissements*), et la justice, comme la grandeur, ne se divise pas. (*Applaudissements.*)

M. le président. Il n'y a plus d'orateur inscrit dans la discussion générale.

M. le ministre de la justice m'a fait part de son intention de répondre aux orateurs qui sont intervenus dans cette discussion à l'occasion du débat sur l'amendement que M. Arthur Ramette a déposé au chapitre 1er.

Personne ne demande plus la parole ?...

La discussion générale est close.

L'Assemblée voudra sans doute renvoyer à demain la suite du débat. (*Assentiment.*)

J'indique à l'Assemblée qu'après l'examen des chapitres du budget de la justice, elle pourra vraisemblablement aborder, au cours de la séance de demain, la discussion du budget du ravitaillement.

— 8 —

REGLEMENT DE L'ORDRE DU JOUR

M. le président. Voici quel pourrait être l'ordre du jour de la séance publique que l'Assemblée tiendra demain jeudi, 22 février, à quinze heures :

Suite de la discussion des budgets particuliers dans l'ordre précédemment fixé :
Justice (suite).
Ravitaillement.
Agriculture.
Marine marchande.
Services de la santé publique.
Information.

Il n'y a pas d'observation ?...
L'ordre du jour est ainsi réglé.

— 9 —

DEPOT DE PROPOSITIONS DE RESOLUTION

M. le président. J'ai reçu de M. André Mercier et plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement à confier le placement des ouvriers et employés des établissements dans lesquels s'exerce un commerce d'alimentation de détail aux offices départementaux et aux bureaux municipaux de placement et à supprimer les bureaux de placement privés fonctionnant pour cette catégorie de travailleurs.

La proposition de résolution sera imprimée sous le n° 323, distribuée et renvoyée à la commission du travail et des affaires sociales.

J'ai reçu de M. Jacques Duclos et plusieurs de ses collègues une proposition de résolution tendant à demander au Gouvernement l'ouverture de poursuites contre les administrateurs du Crédit lyonnais, du Comptoir national d'escompte, de la Société générale, de la Banque nationale pour le commerce et l'industrie et autres banques coupables d'intelligences avec l'ennemi.

La proposition de résolution sera imprimée sous le n° 324, distribuée et renvoyée à la commission de la justice et de l'épuration.

J'ai reçu de Mme Pauline Ramart et plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement à faire une enquête sur l'activité des fonctionnaires de l'Etat, pendant l'occupation, dans des entreprises privées qui travaillaient pour l'ennemi, et à prendre des sanctions contre ceux qui ont trahi leur devoir.

La proposition de résolution sera imprimée sous le n° 325, distribuée et renvoyée à la commission de la justice et de l'épuration.

J'ai reçu de Mme Pauline Ramart et plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement à prendre des mesures pour que soit créée, par le ministère de la santé publique, une chaire de « synthèse chimique des corps anti-bactériens » à la faculté des sciences de Paris.

La proposition de résolution sera imprimée sous le n° 326, distribuée et renvoyée à la commission de l'intérieur et de la santé publique.

J'ai reçu de Mme Aubrac et plusieurs de ses collègues une proposition de résolution tendant à inviter le Gouvernement à modifier et à compléter la législation sur l'adoption et la légitimation adoptive en vue de faciliter les adoptions et de donner à l'enfant adopté une situation juridique et morale aussi proche que possible de celle de l'enfant légitime.

La proposition de résolution sera imprimée sous le n° 327, distribuée et renvoyée à la commission de la réforme de l'Etat et de législation.

J'ai reçu de M. Kriegel une proposition de résolution tendant à inviter le Gouvernement à organiser, suivant certains principes, l'intégration et l'utilisation dans l'armée des cadres issus des F. F. I.

La proposition de résolution sera imprimée sous le n° 328, distribuée et renvoyée à la commission de la défense nationale.

Personne ne demande la parole ?...
La séance est levée.

(*La séance est levée à dix-neuf heures cinquante-cinq minutes.*)

Le Chef du service de la sténographie de l'Assemblée consultative provisoire,
CH. DE LA MORANDIÈRE.

Erratum

au compte rendu in extenso *de la séance du 15 février* 1945.

Page 109, 1re colonne, 29e et 31e lignes :
Au lieu de : « 39.199.000 fr. »,
Lire : « 38.399.000 fr. »

QUESTIONS ECRITES

REMISES AU SECRETARIAT GENERAL LE 21 FEVRIER 1945

Application des articles 42 et 43 du règlement ainsi conçus :

« *Art. 42. — Tout membre de l'Assemblée peut poser au Gouvernement, par écrit et par l'intermédiaire du président de l'Assemblée, une question sur un sujet d'ordre particulier à laquelle il sera répondu par écrit, sauf si l'auteur de la question demande une réponse orale et si le Gouvernement l'accepte.*

« *Un délai minimum de trois jours devra s'écouler entre la question et la réponse.*

« *Art. 43. — Les questions écrites doivent être rédigées en termes concis ne dépassant pas dix lignes et ne contenant aucune imputation d'ordre personnel à l'égard de tiers nominativement désignés.*

« *Elles doivent être remises au secrétariat général de l'Assemblée qui les communique au Gouvernement dans les formes prévues à l'article 70 du règlement.*

« *Celles des questions pour lesquelles il n'est pas demandé de réponse orale sont insérées à la suite du compte rendu* in extenso ; *elles y sont à nouveau insérées avec les réponses écrites faites par les ministres intéressés* ».

FINANCES

154. — 21 février 1945. — **M. Robert Mauger** expose à **M. le ministre des finances** qu'un individu a été déféré devant le comité départemental de confiscation en application de l'article 18 de l'ordonnance du 6 janvier 1945 et que ses comptes en banque ont été bloqués ; qu'avant la citation devant le comité départemental, l'intéressé avait émis, pour une opération commerciale régulière, un chèque qui n'a pu être payé au bénéficiaire en raison du blocage ; que l'autorisation de payer demandée au président du comité de confiscation a été refusée ; et demande quels sont les moyens dont peut disposer le bénéficiaire du chèque pour en obtenir le paiement, cette situation entraînant pour lui des conséquences graves et injustifiées, alors qu'il n'est en rien mêlé aux opérations qui ont motivé la citation devant le comité départemental.

155. — 21 février 1945. — **M. Robert Mauger** expose à **M. le ministre des finances** que, suivant des ordres reçus des organismes de la résistance, des Français ont, pendant l'occu-

pation allemande, retiré de la circulation toutes les pièces de bronze d'aluminium et de nickel qu'ils ont pu trouver; et lui demande s'il ne pourrait faire connaître à ceux qui n'ont pas voulu livrer ces pièces de monnaie à l'envahisseur dans quels bureaux ou administrations ils pourront les échanger.

RÉPONSES DES MINISTRES
AUX QUESTIONS ECRITES

PRODUCTION INDUSTRIELLE

65. — **M. Joseph Denais** demande à **M. le ministre de la production industrielle** quels textes l'habilitent à pourvoir d'un administrateur provisoire une entreprise qui a déjà reçu un administrateur nommé dans des conditions parfaitement régulières par le tribunal de commerce, et comment il conçoit le règlement du conflit d'attributions qui résulte de cette double désignation. (*Question du 26 décembre 1944.*)

Réponse. — Aucun texte ne prévoit la possibilité de nomination d'un administrateur provisoire pour une entreprise ayant déjà à sa tête un administrateur nommé par les soins du président du tribunal de commerce. Mais après la libération, certaines confusions ont été faites et le département de la production a nommé des administrateurs provisoires pour les entreprises déjà pourvues d'administrateurs judiciaires. Dès que de tels cas sont connus, les arrêtés de nomination d'administrateurs provisoires pris précédemment sont annulés. Il peut arriver néanmoins qu'il paraisse d'utilité économique que la production industrielle nomme un administrateur pour certaines entreprises. Dans ce cas, une intervention est faite auprès du président du tribunal de commerce pour qu'il accepte de rapporter la nomination de l'administrateur judiciaire dont il avait pourvu ces entreprises.

ANNEXE AU PROCES-VERBAL
DE LA
séance du mercredi 21 février 1945.

SCRUTIN (N° 18)

Sur les conclusions du 4e bureau tendant à la validation de M. Alexandre Varenne.

Nombre de votants	138
Majorité absolue	70
Pour l'adoption	91
Contre	47

L'Assemblée consultative provisoire a adopté.

Ont voté pour :

MM.
Paul Anxionnaz.
Marcel Astier.
Vincent Auriol.
Paul Bastid.
Joanny Berlioz.
Florimond Bonte.
Guy de Boysson.
Mme Braun.
Georges Bruguier.
Pierre Bugeaud.
Georges Buisson.
Marcel Cachin.
Casanova.
Auguste Champetier de Ribes.
Chaumié.
Choisnel.
Georges Cogniot.
André Colin.
Pierre Cot.
Mme Couette.
Ambroise Croizat.
Jacques Debû-Bridel.
Edouard Depreux.
Desmérroux.
Jacques Duclos.
Jean Dulac.
Dupuy.
Just Evrard.
Pierre Fayet.
Léopold Figuères.
Paul Fleurot.
Forgues.
Pierre Gauthier.
Albert Gazier.
Auguste Gillot.
Henri Gout.
Fernand Grenier.
Raymond Guyot.
Hamon.
André Honnorat.
Alexis Jaubert.
Alphonse Juge.
Charles Laurent.
Albert Le Bail.
Pierre Lebon.
Pierre Le Brun.
Joseph Lecacheux.
Robert Lecourt.
André Le Troquer.
René Louis.
Gaston Manent.
Marrane.
Daniel Mayer.
André Mercier.
Jean Meunier.
Pierre Meunier.
Jules Moch.
Monnerville.
Maurice Montel.
Edmond Naegelen.
Pierre Neumeyer.
Louis Noguères.
Etienne Nouveau.
Ouradou.
Mme Péri.
Perney
André Philip.
R. P. Philippe.
Marcel Plaisant.
Prouve.
Mme Ramart.
Arthur Ramette.
Henri Ribière.
Robert-Pimienta.
Camille Rolland.
Jean-Louis Rolland.
Roucaute.
Emmanuel Roy.
Marc Rucart.
Schwob.
Paul Simon.
Steeg.
Jean Texcier.
Gaston Thiébaut.
René Thuillier.
Tollet.
Robert Verdier.
Paul Verneyras.
Pierre Villon.
Mme Viénot.
Zunino.

Ont voté contre :

MM.
José Aboulker.
Emmanuel d'Astier de la Vigerie.
Mme Aubrac.
Antoine Avinin.
Jacques Benet.
Birien.
Félix Boillot.
Guy de Boissoudy.
R. P. Anselme Carrière.
Jules Catoire.
Joseph Costa.
Dassonville.
Debidour.
Jean Debiesse.
Mme Defferre.
Pierre Degon.
Dordain.
René Fallas.
Jean Fauconnet.
Etienne Gagnaire.
Germinal.
Roger Gervolino.
Albert Guerin.
Maurice Guerin.
Pierre Guillery.
André Hauriou.
Pierre Hervé.
Max Juvenal.
Marcel Lévêque.
René Malbrant.
Jean-Jacques Mayoux.
Palcal Muselli.
Georges Oudard.
André Paillieux.
Pierre Parent.
Marcel Poimbœuf.
Robert Prigent.
Pierre Ruhlmann.
Savary.
Henri Seignon.
Paul Tubert.
Jean-Jacques Urban.
Georges Vankemmel.
Mme Marianne Verger
Philippe Viannay.
Michaël de Villèle.
René Vivier.

N'ont pas pris part au vote :

MM.
Jean-Fernand Audeguil.
Paul Aurange.
Paul Bacon.
Joseph Bastide.
André Baud.
Jacques Baumel.
Albert Bayet.
Mohamed Bendjelloul.
Bergeron.
Robert Bine.
Aristide Blank.
Maxime Blocq-Mascart.
Bosman Van Wolput.
Paul Boulet.
Jean Bourgoin.
Albert Bouzanquet.
Mme Brossolette.
Robert Bruyneel.
De Chambrun.
Maurice Chevance.
Paul Cuttoli.
Jean Dechartre.
Gaston Defferre.
Marcel Degliame.
Mme Delaunay.
Maurice Delom-Sorbé.
Joseph Denais.
Roger Deniau.
Maurice Desetages.
Gustave Eychene.
Etienne Fajon.
Benoit Frachon.
Edouard Froment.
Francisque Gay.
Jean Ginas.
Arthur Giovoni.
Justin Godart.
Louis Gros.
Bernard de la Groudière.
Jean Guiter.
Hettier de Boislambert
Paul Ihuel.
André Isoré.
Georges Izard.
Jean Jurgensen.
Maurice Kaouza.
Maurice Kriegel.
Laboureur.
François Labrousse.
Joseph Laniel.
René Laurin.
Léon Lauvray.
Jacques Lecompte-Boinet.
Mme Lefaucheux.
Jean Lepine.
Henri Maillot.
Pierre Malafosse.
Martel.
André Marty.
Robert Mauger.
Mazé.
Jean Mendiondou.
Gaston Monmousseau.
André Mutter.
René Nicod.
Robert Nisse.
Jean Odin.
Paul-Boncour.
Bernard Paumier.
Perrier.
Francis Perrin.
Eugène Petit.
Jean Pierre-Bloch.
Jean Pronteau.
Jacques Rebeyrol.
Auguste Rencurel.
Waldeck Rochet.
Lucien Roubaud.
André Sainte-Lague.
Robert Salmon.
Maurice Schumann.
Henry Sénès.
Philippe Serre.
Mme Simard.
Pierre Stibbe.
Gaston Tessier.
Maurice Thorez.
Paul Valentino.
Alexandre Varenne.
Jean de Vogüé.
Wallon.
Alexis Wiltzer.
Jules Wolff.
Joseph Zaksas.
Deiva Zivarattinam.

N'ont pas pris part au vote
comme s'étant excusés de ne pouvoir assister à la séance :

M. Pascal Copeau.
M. Louis Marin.

Absents par congé :

MM.
Raymond Blanc.
Laurent Bonnevay.
Robert Chambeiron.
Albert Darnal.
Ely Manel Fall.
Joseph Girot.
Georges Gorse.
Pierre-Olivier Lapie
Peeters.
Louis Saillant.
Pierre Trempintin.

N'a pas pris part au vote :

M. Félix Gouin, président de l'Assemblée consultative provisoire, qui présidait la séance.

Paris. — Imprimerie des *Journaux officiels*, 31, quai Voltaire.

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JOURNAL OFFICIEL

DE LA RÉPUBLIQUE FRANÇAISE

DÉBATS DE L'ASSEMBLÉE CONSULTATIVE PROVISOIRE

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1re SESSION ORDINAIRE DE 1945

Séance du Jeudi 22 Février 1945.

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Amendement nouveau de M. Blocq-Mascart : MM. Blocq-Mascart, le président, le ministre des finances, Avinin, Lecourt, Robert-Pimienta, Noguères, Vincent Auriol. — Adoption au scrutin de l'amendement : chapitres 1er et 2 réservés.
Chapitre 8 réservé : Amendement de M. Noguères : MM. Noguères, le garde des sceaux, ministre de la justice. — Retrait de l'amendement et adoption du chapitre.
Ravitaillement.
Discussion générale : M. Gaston Tessier, rapporteur.
Renvoi de la suite de la discussion à demain.
5. — Règlement de l'ordre du jour.
6. — Dépôt de propositions de résolution.
7. — Dépôt de rapports.

★

PRESIDENCE DE M. FELIX GOUIN

La séance est ouverte à quinze heures.

— 1 —

PROCES-VERBAL

M. le président. Le procès-verbal de la séance d'hier a été affiché et distribué.
Il n'y a pas d'observation ?..
Le procès-verbal est adopté.

— 2 —

EXCUSE ET CONGE

M. le président. M. Zunino s'excuse de ne pouvoir assister à la séance de ce jour et demande un congé.
Il n'y a pas d'opposition ?...
Le congé est accordé.

— 3 —

DEPOT DE PROPOSITIONS DE RESOLUTION (Rappel.)

M. le président. Je rappelle que j'ai reçu, au cours de la précédente séance :
De M. André Mercier et plusieurs de ses collègues, une proposition de résolution tendant à confier le placement des ouvriers et employés des établissements dans lesquels s'exerce un commerce d'alimentation de détail aux offices départe-

mentaux et aux bureaux municipaux de placement, renvoyée à la commission du travail et des affaires sociales;

De M. Jacques Duclos et plusieurs de ses collègues, une proposition de résolution tendant à l'ouverture de poursuites contre les administrateurs du Crédit lyonnais, du Comptoir national d'escompte, de la Société générale, de la Banque nationale pour le commerce et l'industrie, et autres banques coupables d'intelligences avec l'ennemi, renvoyée à la commission de la justice et de l'épuration;

De Mme Ramart et plusieurs de ses collègues, une proposition de résolution tendant à faire une enquête sur l'activité, pendant l'occupation, des fonctionnaires de l'Etat qui travaillaient pour l'ennemi dans des entreprises privées et à prendre des sanctions contre ceux qui ont trahi leur devoir, renvoyée à la commission de la justice et de l'épuration;

De Mme Ramart et plusieurs de ses collègues, une proposition de résolution tendant à créer une chaire de « synthèse chimique des corps antibactériens » à la faculté des sciences de Paris, renvoyée à la commission de l'intérieur et de la santé publique.

De Mme Aubrac et plusieurs de ses collègues, une proposition de résolution concernant la législation sur l'adoption et la légitimation adoptive, renvoyée à la commission de la réforme de l'Etat et de législation;

De M. Maurice Kriegel, une proposition de résolution tendant à organiser l'intégration et l'utilisation dans l'armée des cadres issus des F. F. I., renvoyée à la commission de la défense nationale;

L'Assemblée voudra sans doute approuver le renvoi de ces propositions de résolution aux commissions susindiquées. (*Assentiment.*)

— 4 —

BUDGET DES SERVICES CIVILS POUR L'EXERCICE 1945

(Suite de la discussion.)

M. le président. L'ordre du jour appelle la suite de la discussion de l'avis sur le projet d'ordonnance portant fixation du budget des services civils pour l'exercice 1945.

Justice (*suite*).

M. le président. Dans sa séance d'hier, l'Assemblée a terminé la discussion générale du budget de la justice.

Nous abordons maintenant l'examen des chapitres.

Je donne lecture du chapitre 1er :

TITRE 1er. — DÉPENSES ORDINAIRES

4e partie. — Personnel.

« Chap. 1er. — Traitements du ministre et du personnel de l'administration centrale : 17.566.000 fr. »

Sur ce chapitre, la parole est à M. Pascal Copeau.

M. Pascal Copeau. Mesdames, messieurs, sur le chapitre 1er du budget de la justice, qui concerne le traitement du ministre, le Mouvement de la libération nationale votera, à titre indicatif, un abattement de 1.000 fr.

Nous ne pouvons pas dire que nous avons été comblés ou complètement satisfaits par les explications de M. le garde des sceaux. Il a indiqué, au début de son exposé, que son administration s'était fixé deux tâches, la première étant la liquidation rapide, complète et définitive du passé de Vichy. Outre que les explications données, en général, ne nous ont paru ni très promptes, ni vraiment complètes et encore moins définitives, je ne crois pas qu'on puisse dire que ce but ait été atteint. Je ne crois pas davantage que la deuxième tâche, à savoir le renouvellement, la réforme des institutions judiciaires de ce pays, si elle a été abordée, ait été sérieusement mise en chantier.

M. le ministre de la justice a dit: nous sommes partis de zéro. Or, monsieur le ministre, je crois pouvoir le dire en toute simplicité, c'est là ce que nous vous reprochons. Il ne s'agissait pas de partir de zéro, mais du travail qui avait été fait dans la clandestinité et du travail qui avait pu être accompli au soleil d'Alger. (*Très bien ! très bien !*)

Ce travail, il nous est apparu qu'il n'avait pas été fait.

On a discuté longtemps à Alger et dans les comités d'experts ou autres constitués clandestinement dans la métropole, pour savoir s'il convenait d'appliquer purement et simplement le droit républicain, le droit commun, c'est-à-dire l'article 75 du Code pénal ou bien, étant donné le cas particulier des crimes commis en France sous le vocable général de collaboration, s'il convenait de promulguer un texte spécial qui aurait présenté cet inconvénient d'être rétroactif.

On a décidé finalement qu'on appliquerait le droit commun, c'est-à-dire l'article 75 du Code pénal. Soit, mais il fallait le dire. Dans la clandestinité, lorsque la France véritable c'était la Résistance, il était possible d'avertir des peines qu'encourraient les Français qui persisteraient dans la voie de la collaboration; il était possible, à une date déterminée, de faire savoir que le seul véritable gouvernement de la France, c'est-à-dire le gouvernement d'Alger, avait décidé que les citoyens français, les fonctionnaires français qui commettraient de tels actes tomberaient sous le coup de la loi.

C'était là un point de départ sain pour l'œuvre future d'épuration. Cela n'a jamais été fait.

Il était également possible de prévoir la procédure, d'organiser dès le temps de la clandestinité les tribunaux qui auraient à connaître des crimes de trahison.

Là, nous nous sommes trouvés en face d'un zéro, en effet, et cette incertitude a duré des semaines, des mois. Pourtant, il était possible, nous en avons fait la démonstration, par des organes officiels dépendant du gouvernement d'Alger, d'organiser dès ce moment des tribunaux qui, ainsi, eussent été en mesure de siéger le jour même de la libération. En envisageant ainsi la préparation d'une procédure rapide, peut-être se serait-on aperçu qu'on posait par là même le problème de la réforme de la magistrature.

Je ne sais s'il est possible d'aller très vite en cette matière, mais il m'apparaît, en tout état de cause, qu'il n'était pas bon d'envisager, d'instituer tout à coup le juge unique, non pas d'après une idée préconçue, mais simplement parce qu'on a besoin de juges; de même il n'est pas bon de s'apercevoir tout à coup, après plusieurs semaines ou plusieurs mois de fonctionnement, que le recours en cassation produit des embouteillages qui empêchent tout fonctionnement normal de la justice.

Tout cela pouvait être prévu. On pouvait également prévoir, dans la clandestinité, la constitution de dossiers. Nous avions, nous — et, quand je dis: nous, je ne fais pas de distinction, je veux dire aussi bien les représentants du gouvernement d'Alger qui travaillaient en France, que nos mouvements de résistance, les moyens de préparer ce travail, et il a été dans certains cas préparé. Or, ce travail, qui eut permis d'établir un système prêt à fonctionner le jour même de la libération, est maintenant considéré par vous, monsieur le ministre, dans une circulaire, comme illégal.

Si l'on avait ainsi étudié l'ensemble de ce grand problème, on se serait sans doute également aperçu qu'il importait, pour laver immédiatement la France de la trahison, de centraliser toutes les questions relatives à l'épuration.

Je sais, monsieur le garde des sceaux, qu'il y a quelque injustice à vous accabler, vous seul, de ce fardeau, à vous reprocher à vous seul ce qui ne se fait pas dans ce grand domaine de l'épuration. Vous pourriez vous retrancher derrière l'exception d'incompétence, déclarer que telle épuration n'est pas de votre domaine, mais de celui de tel de vos collègues.

Il était, cependant, de votre devoir, en tant que ministre de la justice, de prévoir cet état de choses et de préparer une ordonnance qui aurait institué un commissariat ou un sous-secrétariat d'Etat à l'épuration, chargé de centraliser l'examen de toutes ces questions.

Nous avons institué un débat d'ensemble sur l'épuration, mais on peut légitimement nous objecter que certains cas doivent être disjoints; par exemple — on en a parlé hier à cette tribune — ceux qui relèvent de la justice militaire, à propos desquels le ministre de la justice est parfaitement fondé à répliquer que ces cas ne le concernent pas.

Il a été également question hier, et je compte y revenir moi-même, de cas qui relèvent indubitablement du ministre de l'intérieur. Le ministre de la justice est, là aussi, parfaitement fondé à déclarer que ces cas ne relèvent pas de lui.

Mais, si nous voulons exercer nos prérogatives, oh! mon Dieu! bien éphémères et bien modestes, de délégués provisoires de la nation, il nous faut bien trouver quelqu'un à qui nous adresser, si nous estimons que l'épuration n'avance pas, afin d'examiner, avec lui, les modalités selon lesquelles elle pourrait être activée.

Vous avez dit aussi, monsieur le ministre, qu'il s'était réalisé dans le pays une sorte d'unanimité entre ceux qui veulent une justice plus rapide et plus sévère et ceux qui voudraient que la justice s'arrêtât et qu'on ne parlât plus de cette irritante question de l'épuration. Cette unanimité est réalisée dans le mécontentement. (*Très bien! très bien!*)

Il faudra bien tirer un jour de cet état de choses des conclusions, il faudra obtenir d'autres affirmations que celles, partielles et tardives, que vous avez produites avant-hier, autre chose que ces communiqués qui, tout à coup, nous annoncent que, depuis le 15 février, l'épuration dans les ministères est terminée, qu'elle le sera à partir du 15 mars dans les administrations locales et que, le 1er mai, toutes les affaires comportant condamnation à la peine capitale auront été jugées.

Tout cela nous laisse dans un grand désarroi et nous mécontente, parce que nous savons, nous tenant en liaison avec les provinces et avec la base de nos organisations — composées d'hommes qui ne sont pas des sanguinaires, croyez-le bien — que nos militants sont mécontents de voir toujours dans les mêmes places des hommes qu'ils considéraient en ennemis dans le combat clandestin.

A cela, monsieur le ministre de la justice, c'est à vous de mettre bon ordre, même si ce n'est pas de votre compétence, car, lorsqu'on a l'honneur d'être ministre de la justice dans ce pays, on doit faire respecter la justice dans tous les départements, et pas seulement dans le sien. (*Applaudissements.*)

Nous pensons que cette grande vague de mécontentement, de désenchantement qui s'est répandue sur le pays, à cause de l'épuration manquée, a été créée par maladresse. S'il y avait une question sur laquelle tous les Français fussent d'accord, c'était bien sur la nécessité, non seulement de châtier la trahison, mais aussi d'éliminer de leurs postes tous ceux qui avaient pactisé avec l'ennemi.

Ce n'est pas là une idée qui nous soit propre à nous, résistants. Ce sont les gouvernements de Londres et d'Alger, c'est la radio, la B. B. C., soit par la parole du général de Gaulle lui-même, soit plus souvent par la parole de notre collègue, le capitaine Schumann, qui nous ont répété que tous les traîtres seraient punis, qu'il fallait les noter, qui ont en un mot répandu dans le pays la psychose de l'épuration. (*Applaudissements.*)

Vous le savez, nous qui étions en France, nous regardions vers Alger comme vers un grand espoir. Nous avons suivi l'épuration à Alger. Quoique mal informés, nous nous sommes demandé si l'on n'avait pas exécuté Pucheu pour éviter l'épuration; nous nous demandons un peu si, en France même, à Paris, on n'a pas exécuté un certain nombre d'intellectuels et de journalistes pour éviter aussi l'épuration.

Monsieur le ministre, vous avez fait des déclarations qu'on pourrait qualifier d'énergiques. Vous avez dit que vous vouliez faire l'épuration. Vos collègues, chacun dans son domaine, ont dit de même.

Nous voudrions bien savoir si M. François Mauriac ne serait pas le porte-parole le plus qualifié de la politique gouvernementale, lorsqu'il parle de pardon et de la fin de l'épuration.

A plusieurs reprises, M. le général de Gaulle a parlé avec générosité de la politique du ralliement. Nous n'y sommes pas opposés; mais, à notre avis, il faut savoir si elle signifie qu'on va mettre un terme à l'épuration, une sourdine au châtiment, si elle pourrait signifier que la justice, déjà lente, s'arrêterait.

L'épuration n'est pas seulement une question de justice et d'équité; nous ne réclamons pas des têtes simplement parce que nous pensons à nos camarades morts dans la résistance ou à ceux qui, détenus en Allemagne, meurent aussi jour après jour. L'épuration est aussi une question de gouvernement. (*Très bien! très bien!*) L'épuration doit être considérée dans l'ensemble de la politique générale du Gouvernement et, j'ai le regret de le dire, nous voyons en elle un test des méthodes et de la volonté du Gouvernement. (*Vifs applaudissements.*)

En ce qui concerne les méthodes, nous estimons qu'on ne peut gouverner dans le silence; que, dans une démocratie, même formelle comme la nôtre, il est nécessaire de parler au peuple, de lui dire ce qu'on veut, pourquoi on le veut et comment on a l'intention d'exécuter ce que l'on veut. (*Applaudissements.*)

Pour donner les explications nécessaires au pays, il y a une tribune: celle-ci. (*Très bien! très bien!*) Voilà pourquoi, comme l'a dit le général de Gaulle ici même, nous avons été nommés membres de cette Assemblée et que nous jouons ce rôle, en somme peu brillant. Il serait donc étrange qu'on se servît si peu de cette tribune et qu'on ne nous dît pas tout ce qu'il y a à dire; il serait étrange aussi qu'on ne tînt aucun compte des avis qu'on nous demande. (*Applaudissements prolongés.*)

M. Vincent Auriol. C'est le sens des réductions de crédits.

M. Pascal Copeau. Monsieur le ministre, il y a quelque chose de très désagréable dans cette espèce d'argumentation *ad hominem* la seule qu'on nous laisse pour marquer un mécontentement d'ordre politique qui, bien entendu, ne s'adresse pas à l'homme.

Mais, déjà, à deux reprises, cette assemblée a marqué son mécontentement quant à la gestion de la justice et aux méthodes de l'épuration. Sans doute êtes-vous, monsieur le garde des sceaux, pour les raisons que j'exposais il y a un instant, une victime dans l'occasion. Mais ces votes ont eu lieu. Il ne nous appartient pas d'en tirer les conclusions; nous voudrions, cependant, être certains que des votes de ce genre ne constituent pas, pour ceux qu'ils touchent, comme un bail ou une prolongation éternelle de pouvoir. (*Applaudissements.*)

En ce qui concerne la volonté du Gouvernement, que pouvons-nous penser ?

Au moment de la libération, tous les ennemis du peuple, depuis les magnats de la finance et de l'industrie, qui bien souvent étaient en même temps les magnats de la trahison, jusqu'aux petits collaborateurs de quartier, ont été, grâce à notre action insurrectionnelle, frappés de terreur.

Deux politiques s'offraient alors au Gouvernement. Il pouvait profiter immédiatement de cette situation exceptionnelle et agir, mais agir vite, afin de construire cet Etat nouveau dont nous avons tous rêvé, qui se tiendrait à égale distance des erreurs et des ornières de la Troisième République et des séductions du pouvoir personnel. L'autre voie consistait à rassurer ceux qui avaient peur.

Or, jugeant l'action gouvernementale en matière d'épuration, nous avons le regret de constater qu'il semble avoir choisi la deuxième méthode.

Nous voyons maintenant tous ceux qui avaient peur, tous ceux qui étaient prêts à admettre des mesures radicales et même à se rallier — car nous sommes disposés à accepter, dans ces conditions, la politique du ralliement — relever la tête. Nous voyons aussi qu'il ne sera plus possible bientôt de faire ces réformes que nous avions souhaitées. (*Très bien! très bien!*)

Pour conclure cette trop longue intervention sur un chapitre, j'en arrive, examinant le problème de l'épuration, à mettre en cause la politique générale du Gouvernement ou plus exactement à me demander si le Gouvernement a une politique générale. (*Applaudissements.*)

Peut-être nous dira-t-on que nous faisons de l'opposition ? Il ne s'agit pas de faire de l'opposition ou, alors, cette assemblée est une duperie. Elle a été créée pour que la critique puisse librement s'exprimer et il y a une différence fondamentale entre une attitude d'opposition systématique et l'expression aussi mesurée et aussi juste que possible des critiques nécessaires, dont nous demandons que le Gouvernement tienne compte.

M. Marc Rucart. Mais l'Assemblée vote tout.

M. Pascal Copeau. Nous vous demandons simplement, monsieur le garde des sceaux, de tenir compte de l'atmosphère générale qui est trop évidente dans cette Assemblée et nous vous mettons en garde.

Nous vous disons qu'il ne faut pas confondre l'opinion de la France en général et l'opinion de certaines classes bourgeoises qui, hier, acclamaient le maréchal Pétain, car nous ne voulons pas nous laisser prendre le général de Gaulle et nous n'acceptons pas de leçons de gaullisme des gaullistes d'aujourd'hui qui viennent de mettre le portrait du général à la place de celui du maréchal. (*Rires et vifs applaudissements.*)

Dans un de ses discours, le général de Gaulle a déclaré à peu près ceci: Le chancelier Hitler a dit qu'il voulait pourrir notre guerre: nous ne laisserons pas, nous, pourrir la libération. (*Très bien! très bien!*)

Nous sommes ici, monsieur le garde des sceaux, pour que la libération ne soit pas pourrie et nous vous mettons encore en garde. (*Très bien! très bien!*)

Ne décevez pas les Français qui ont combattu pour la liberté, qui vous ont porté personnellement au pouvoir, ces Français qui sont entrés dans la Résistance à votre appel. Et dites-vous bien qu'il n'est pas possible de fonder un Etat, quel qu'il soit, sur le mépris de la justice.

Mais, quand je dis, justice, je veux parler d'une justice rapide, dure, de celle pour laquelle nous avons combattu, non pas la justice lente, solennelle, ni la justice sommaire, mais un peu des deux; il faut que la vieille justice s'inspire un peu de la justice du maquis.

Si, en effet, la politique que je dénonce est poursuivie, vous aurez le ralliement, mais vous aurez autour de vous les traîtres d'hier, ceux qui ont vendu la République. Lorsque vous voyez, dans tel ou tel lieu, le mécontentement, la division qui s'insinue entre la Résistance et le pays, lorsque vous êtes amené à sévir contre tel ou tel petit groupe qui, las d'attendre que la justice se fasse, enlève un inculpé et l'assassine, peut-être vous réjouissez-vous, peut-être certains se réjouissent-ils, se disant: On va bientôt être débarrassé de cette Résistance.

Mais alors, demandez-vous si ce mécontentement, si cette rupture qui peut-être s'établit ici et là entre la Résistance et le pays n'est pas en train de s'établir aussi entre le pays et le Gouvernement. (*Très bien! très bien!*)

Il ne faut pas que, dans ce pays, on puisse faire des comparaisons comme celle qui vient à l'esprit entre la peine qui a frappé le traître Albertini et celle qui a atteint le commandant Prosper et les autres officiers de Maubeuge. (*Applaudissements.*)

On peut toujours parler franchement au pays et lui donner clairement les raisons de son action. Mais, lorsque le pays commence à murmurer, il y a danger.

Il y a danger, monsieur le garde des sceaux, lorsque, de bouche à oreille, on colporte de petites histoires qui, sans doute, sont un peu sommaires, un peu caricaturales, mais qui traduisent un certain état d'esprit. Il y a danger lorsque, dans le pays, on aime à se raconter cette petite anecdote: A Sigmaringen, Laval rencontre Pétain et lui dit: « Si j'avais su, je serais resté. » (*Vifs applaudissements prolongés.*)

M. le président. La parole est à M. Roucaute.

M. Roucaute. Le groupe du front national votera, lui aussi, une réduction de 1.000 francs sur le traitement du ministre de la justice.

Journellement et d'un peu partout, de nombreux cas nous sont signalés, démontrant avec quelle audace et quelle absence de sens patriotique on cherche à atteindre ceux des Français qui, dans les conditions les plus dures et les plus difficiles de notre époque, n'ont fait ni plus ni moins que se comporter en patriotes courageux.

Ex-officier des francs-tireurs et partisans français, je déclare que nous avons le sentiment d'avoir, par nos coups répétés contre l'ennemi et sa machine de guerre, beaucoup mieux servi la patrie que, par exemple, les parlementaires ayant voté pour Pétain en juillet 1940 et que certaines

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combinaisons ou intrigues chercheraient à blanchir aujourd'hui. (*Applaudissements.*)

Combien d'exemples pourrions-nous citer de patriotes aujourd'hui emprisonnés ou inculpés, soit de réquisitions abusives, alors qu'il s'agissait pour eux de trouver du ravitaillement ou des moyens de transports pour les petits gars du maquis, qui faisaient le coup de feu contre les Boches, soit de meurtre, alors qu'ils ont exécuté, avant la libération ou pendant les journées de l'insurrection nationale, des délateurs, traîtres et mouchards, collaborateurs notoires ou agents de la Gestapo.

Plusieurs de ces exemples ont été cités à cette tribune. En voici un autre, absolument typique.

Dans le département de l'Eure-et-Loir, le 14 août 1944, le jour même de la libération, un sujet italien qui dénonçait les réfractaires était exécuté par un combattant héroïque. Sa compagne avait déjà été exécutée, le 24 juin, par un patriote, alors qu'elle possédait sur elle une liste de dénonciations à faire.

Le combattant a été arrêté le 24 août dernier et se trouve toujours en prison. Quel reproche peut-on lui faire ? De s'être comporté en bon Français, d'avoir suivi les conseils que donnait chaque jour la radio de Londres dans ses émissions en français ? Va-t-on le maintenir plus longtemps en prison, le condamner pour son acte de justicier ? L'inculpation portée contre ce patriote n'est-elle pas la condamnation de l'acte justicier accompli quelques mois auparavant contre la compagne du sujet italien, comme lui agent de l'ennemi ?

Autre exemple non moins significatif: un groupe de patriotes effectue, le 3 août 1944, une saisie à main armée dans une banque de Paris, pour subvenir aux besoins de francs-tireurs qui harcèlent l'ennemi dans la capitale; l'un des participants est arrêté en octobre 1944 sous l'inculpation de vol à main armée, il est toujours en prison.

Voici encore un exemple aussi scandaleux. A Issoudun, un commandant F. F. I. a été convoqué devant le tribunal militaire d'Angers pour une affaire de maquis. Les hommes placés sous les ordres de cet officier auraient fusillé des miliciens au moment de la libération. Les familles des fusillés attaquent aujourd'hui l'autorité responsable devant les tribunaux. La qualité de milicien est maintenant contestée. Ce commandant, qui a deux ans de maquis, dont le fils a été torturé et fusillé par les Allemands, est écroué à la prison militaire d'Angers. (*Exclamations.*)

Nous pourrions citer des centaines de faits aussi injustes qu'antipatriotiques.

Ils constituent le développement d'une véritable campagne de défaitisme menée contre l'armée française, à travers des officiers venus des forces françaises de l'intérieur, campagne soigneusement entretenue par les agents de la cinquième colonne et qui ne vise rien moins qu'à porter atteinte au moral de la nation en guerre.

Tout cela est contraire à la justice même, car n'étaient-ils pas des justiciers eux-mêmes ceux qui abattaient des agents de l'ennemi en exécution des lois de la guerre juste que conduisait le peuple de France contre ses oppresseurs ?

C'est contraire aux ordonnances prises par le Comité de la libération nationale ou le Gouvernement provisoire de la République française, en juillet 1943 et juillet 1944, relatives à la légitimité des actes accomplis pour la cause de la libération de la France et à la revision des condamnations intervenues pour ces faits.

Que dit l'ordonnance du 6 juillet 1943, à laquelle faisait allusion notre collègue, M. Gillot ?

Ceci:

« Considérant qu'il importe de proclamer que les citoyens ayant exposé leur liberté, leur vie et leurs biens pour des actes utiles à la libération de la France méritent que la légitimité de ces actes soit affirmée et que justice soit rendue à leurs auteurs injustement condamnés,

« Ordonne:

« Art. 1er. — Sont déclarés légitimes tous actes accomplis postérieurement au 10 juin 1940, dans le but de servir la cause de la libération de la France, quand bien même ils auraient constitué des infractions au regard de la législation appliquée à l'époque. »

Les faits que j'ai signalés sont contraires à l'intérêt national, et nous pouvons y voir une preuve éclatante du discrédit qu'on cherche à jeter sur la Résistance française, en vue de minimiser le rôle immense joué par notre peuple dans la libération du pays, discrédit dont on voudrait faire pâtir ceux qui furent les chefs de l'insurrection nationale, en lançant contre eux les plus grossières et immondes calomnies, comme on le fait, notamment, à l'encontre du colonel Roll-Tanguy, héros de la libération de Paris. (*Vifs applaudissements.*)

Cette même campagne se poursuit d'une façon systématique contre les patriotes qui ont mené des actions contre l'ennemi et les traîtres, pendant l'occupation ou la période insurrectionnelle.

Cependant, ces actions sont tenues pour légitimes par des textes officiels, et tous les patriotes sont d'accord sur ce point.

M. le garde des sceaux disait avant-hier: « Le devoir du ministre est de faire appliquer la justice grâce à des textes appropriés ».

Ces textes existent; ils devraient donc être appliqués; mais il est encore des policiers et des magistrats qui ne veulent pas les admettre et que M. le ministre de la justice ferait bien de rappeler à leur devoir.

Quant à nous, nous demandons que justice soit rapidement rendue à ces patriotes, qu'on remette en liberté tous ceux qui sont actuellement en prison pour des actions contre l'ennemi ou ses soutiens, pendant l'occupation ou la période d'insurrection nationale, et que soient arrêtées toutes les poursuites engagées contre eux. (*Applaudissements.*)

M. le président. La parole est à M. Mercier.

M. André Mercier. Je veux rappeler pour mémoire un extrait de la *France Socialiste* du 4 octobre 1943, qui rend compte d'un congrès de l'Union centrale des locataires.

Je lis:

« Enfin, avant de se séparer, le congrès a adressé au maréchal Pétain et au président Laval l'adresse suivante:

« Le congrès adresse au maréchal de France, chef de l'Etat, et au président Laval, chef du Gouvernement, l'expression de sa confiance et leur offre sa collaboration franche et loyale pour la poursuite des efforts qu'ils déploient en faveur de la réalisation d'une véritable justice sociale, ayant pour but la protection et la sécurité de la famille et de la vieillesse ».

Plus loin:

« Le congrès se permet de faire observer au Gouvernement que cette question de l'habitation ne peut être résolue que dans le sens de la révolution nationale, organisée et désirée par le chef de l'Etat et le président Laval. »

Je pourrais poursuivre longuement la lecture des textes exprimant la confiance des délégués de l'Union centrale des locataires au gouvernement du maréchal félon. Je pense que c'est inutile. Au demeurant, je tiens à la disposition de l'Assemblée l'ensemble du document.

Les hommes qui animaient l'Union centrale des locataires, et qui ont signé le texte précité, avaient été désignés, par le garde des sceaux Gabolde, comme membres de la commission d'étude des questions de loyers, et leurs noms ont paru au *Journal officiel* de l'Etat français du 5 décembre 1943. Ils s'appellent: M. Gauherie, secrétaire général de l'Union centrale des locataires de la ville de Paris; M. Doucet, secrétaire général de la fédération des locataires de la Gironde; M. Athayne, contrôleur financier au ministère de l'économie nationale et des finances; M. Ramarony, président de l'Union de la propriété bâtie en France; M. Truttié de Varreux, président de la chambre syndicale des propriétaires de la ville de Paris.

Or, nous retrouvons ces mêmes hommes, représentant ou prétendant représenter les locataires ainsi que les chambres syndicales des propriétaires de la ville de Paris — Athayne, Ramarony, Truttié de Varreux, Gautherie, Doucet — au *Journal officiel* du 15 février 1945, comme membres de la commission d'étude des questions de loyers constituée par M. de Menthon. (*Exclamations.*)

Voici les textes. Et d'abord le *Journal officiel* de l'Etat français, du 5 décembre 1943:

« Le garde des sceaux, ministre secrétaire d'Etat à la justice,

« Vu le décret du 8 novembre 1943 instituant une commission d'étude des questions de loyers, et notamment l'article 3 de ce décret prévoyant que les membres de la commission sont désignés par arrêté du garde des sceaux, ministre secrétaire d'Etat à la justice,

« Arrête:

« Art. 1er. — La composition de la commission d'étude des questions de loyers est fixée ainsi qu'il suit... »

Suivent les noms de MM. Athayne, contrôleur financier au ministère de l'économie nationale et des finances, Ramarony, président de l'Union de la propriété bâtie en France, Truttié de Varreux, président de la chambre syndicale des propriétaires de la ville de Paris, Gautherie, secrétaire général de l'Union centrale des locataires de la ville de Paris, Doucet, secrétaire général de la Fédération des locataires de la Gironde, etc...

« ...Fait à Paris, le 2 décembre 1943.

« Signé: Maurice Gabolde ».

Passons au *Journal officiel* du 15 février 1945, dans lequel est fixée la composition de la commission d'étude des questions de loyers:

« Le garde des sceaux, ministre de la justice,

« Vu le décret du 26 décembre 1944 instituant une commission d'étude des questions de loyers et notamment l'article 3 de ce décret, prévoyant que les membres de la commission sont désignés par arrêté du garde des sceaux, ministre de la de la justice (*Rires et exclamations*),

« Arrête:

« Art. 1er. — La composition de la commission d'étude des questions de loyers est fixée ainsi qu'il suit:

« M. Athayne, contrôleur d'Etat au ministère de l'économie nationale, représentant le ministère de l'économie nationale (*Rires*);

« M. Ramarony, président de l'Union de la propriété bâtie en France;

« M. Truttié de Varreux, président de la chambre syndicale des propriétaires de la ville de Paris;

« M. Gautherie, secrétaire général de

l'Union centrale des locataires et commerçants de France et des colonies;

« M. Doucet, secrétaire général de la fédération des locataires de la Gironde.

« Fait à Paris, le 14 février 1945.

« Signé: François de Menthon. (*Exclamations.*)

M. Robert-Pimienta. On prend les mêmes et on recommence !

M. André Mercier. Oui, on prend les mêmes et on recommence.

Et je pose la question à M. le garde des sceaux: les hommes qui ont encensé Pétain, Laval, la révolution nationale, la collaboration, la trahison, sont-ils habilités par lui, après l'avoir été par le gouvernement de Vichy, alors que la Fédération des locataires de la région parisienne, la Confédération des petits commerçants et de l'artisanat sont systématiquement éliminés de tous les organismes officiels constitués pour l'étude des questions de loyers ?

Nous signalons à l'attention de l'Assemblée que nous retrouvons les noms de MM. Truttié de Varreux et Ramarony, grands défenseurs de la politique de Vichy et de la grosse propriété bâtie, dans un soi-disant Centre d'études de l'habitation, qui a son siège 10, rue Lincoln, à Paris, à côté des représentants des grandes banques, des compagnies d'assurances, des sociétés immobilières, du comité d'organisation de la sidérurgie.

Voici quelques-uns des adhérents au Centre d'études de l'habitation:

Banque de Paris et des Pays-Bas, Compagnie d'assurances générales sur la vie, Comptoir national d'escompte de Paris, Crédit lyonnais, Chambre syndicale des propriétés immobilières de la ville de Paris, Crédit commercial de France, Banque nationale pour le commerce et l'industrie, Société des hauts fourneaux, forges et aciéries de Pompey, Hauts fourneaux et fonderies de Pont-à-Mousson, Société Commentry-Fourchambault-Decazeville, Société des aciéries et forges de Firminy, etc...

Ainsi, cinquante grandes sociétés industrielles, financières et commerciales ont constitué ce Centre d'études où l'on retrouve MM. Truttié de Varreux et Ramarony.

Est-ce là un aperçu de la lutte contre les trusts, préconisée par le général de Gaulle lui-même, en raison du mal qu'ils ont fait à la patrie ?

Il est impossible de concevoir une amélioration de la vie nationale, tant que prévaudront les principes qui conduisent à reprendre les hommes qui ont prôné Hitler, Vichy et ses méthodes, pour leur confier officiellement les questions si épineuses et si délicates de la défense des locataires et de la reconstruction. Il faut en finir avec de telles méthodes, ou bien partir. (*Applaudissements.*)

M. le président. La parole est à M. le garde des sceaux.

M. François de Menthon, *garde des sceaux, ministre de la justice.* Mesdames, messieurs, deux séries de questions, de suggestions ou de critiques ont été apportées au cours de ces débats: les unes sont d'ordre technique, les autres visent le malaise de l'épuration et de la répression. Je les traiterai successivement, répondant très largement aux diverses remarques faites, mais laissant toutefois de côté ce qui ne regarde pas mon département ministériel, non que la solidarité gouvernementale ne soit totale, de M. Billoux à M. Jacquinot, mais parce que je craindrais de répondre de façon inexacte à des questions qui ne sont pas spécialement de ma compétence.

Parmi les questions techniques abordées, je ne reviens pas sur celle de l'enfance délinquante, dont de nombreux orateurs, et notamment Mme Delaunay, ont parlé avec tant de cœur et tant de compétence. Sur ce point, il n'existe aucun désaccord entre nous. Nous irons de l'avant, rapidement, dans la voie d'une organisation plus appropriée à la protection et au relèvement de l'enfance coupable.

MM. Depreux et Hamon, ainsi que les rapporteurs, ont très justement soulevé le problème important des naturalisations. Je m'en suis préoccupé, dès mon arrivée, d'une part, pour l'immédiat, d'autre part, pour l'avenir.

Pour l'immédiat, il s'agissait de reprendre d'urgence la politique des naturalisations en faveur des étrangers qui ont gagné, à nos côtés, le droit d'être Français, soit sur les champs de bataille de l'extérieur, soit dans la clandestinité. Nous avons demandé aux préfets de nous transmettre leurs demandes en priorité absolue. Vous savez qu'en la matière, l'enquête est toujours assez longue. Nous en accélérons le rythme au maximum. A ce jour, 336 naturalisations ont été prononcées dans ces conditions, et la cadence va s'accélérer.

Il convenait aussi, sans plus tarder, d'examiner les retraits de nationalité prononcés par le gouvernement de Vichy. Les commissions de revision des naturalisations de Vichy avaient prononcé 15.000 retraits de nationalité. Nous avons repris les dossiers. Les décisions sont rétroactivement annulées. Cependant, il est certain cas où les retraits de nationalité ont été prononcés pour des motifs de droit commun; nous devons les examiner, en reprenant la procédure régulière de déchéance prévue par la loi de 1927.

Pour l'avenir, il s'agissait, d'une part, de nous mettre matériellement en mesure de faire face au travail considérable qui allait être celui du bureau du sceau. C'est l'objet de la demande de crédits qui vous a été présentée. Il importait, d'autre part, et surtout, de préparer une doctrine, un plan des naturalisations pour les années à venir. A cet effet, j'ai provoqué la constitution d'une commission interministérielle, par laquelle cette doctrine sera préparée et dont les conclusions seront ensuite proposées au Gouvernement.

Le problème de la réforme judiciaire a été abordé par plusieurs orateurs, notamment par MM. Depreux et Hauriou, du point de vue de l'institution du juge unique, du relèvement des traitements, de l'indépendance de la magistrature et de l'accession de la femme à la magistrature.

En ce qui concerne le juge unique, je pense que M. Depreux reste aussi attaché à cette institution qu'il l'était en novembre dernier et j'espère que si M. Hauriou a contribué à me convaincre de la nécessité du juge unique, cela n'a pas été pour lui une raison de changer d'opinion. La réforme ne fut pas brusquée : elle fut préparée. Ce n'est pas un jeune juge de 25 ans, comme on l'a dit, qui rend seul la justice, mais bien le président du tribunal ou, à son défaut, le juge le plus ancien, lorsque le président du tribunal se trouve pris par les cours de justice.

D'ailleurs, l'institution du juge unique fait partie de l'ensemble de la réforme judiciaire que vous aurez à examiner et dont je déposerai le projet sur le bureau de cette Assemblée au cours de sa prochaine session. A ce moment, la question pourra être débattue dans son ensemble et orchestrée avec éclat.

Je n'aime pas, quant à moi, les réformes dont on parle toujours et que l'on ne fait jamais... (*Vifs applaudissements.*)

M. Jules Moch. A qui la faute ?

M. le garde des sceaux. ...parce que, dit-on, elles ne seraient pas parfaitement au point ou que le moment serait inopportun. Il faut réaliser la réforme, puis la mise au point se fait d'elle-même, au cours des premiers mois d'application.

M. Depreux a très justement souligné, et l'Assemblée ne lui a pas marchandé son approbation, que nous ne parviendrons à refaire une grande magistrature républicaine qu'en revalorisant très sensiblement la situation matérielle des magistrats. Une étape est parcourue, ne craignons pas de le dire. Dès maintenant, la situation des magistrats est substantiellement relevée. Néanmoins, la réforme réalisée par le ministre des finances ne l'a pas amenée au niveau de celle des fonctionnaires de même catégorie. C'est cette revalorisation qu'il nous faudra réaliser, si nous voulons vraiment que la situation de nos magistrats soit telle qu'elle doit être.

Sur l'introduction des femmes dans la magistrature, j'ai eu l'honneur de dire hier aux dames membres de cette Assemblée que non seulement je donnais mon plein accord de principe à cette réforme, mais que, comme pour le juge unique, j'estimais possible de la détacher de l'ensemble de la réforme judiciaire et de proposer immédiatement sa réalisation au conseil des ministres. Je tiendrai à honneur de faire aboutir cette égalisation, combien légitime, des droits des femmes et des hommes devant la fonction publique la plus haute, certain que, pour les tâches nouvelles qui vont être celles de la magistrature, comme le redressement de l'enfance coupable, ainsi que pour une compréhension plus exacte des droits, des intérêts et de la dignité de la femme et aussi pour populariser de nouveau la magistrature, cette réforme sera importante. (*Très bien! très bien!*)

J'en viens au débat soulevé par l'épuration et la répression.

Plusieurs orateurs ont souligné le malaise qui, de ce fait, pèse sur le pays et sur la Résistance. Ils l'ont fait parfois en termes profondément émouvants pour le camarade de la Résistance que je sais rester pour eux. Essayons ensemble de dissiper ce malaise avec une bonne volonté réciproque.

Je ne peux répondre à tous les cas évoqués, parce que je ne peux pas transgresser le secret des cabinet d'instruction ou du travail des parquets. (*Interruptions.*) Cependant, je m'expliquerai très largement sur les cas les plus aigus qui ont été évoqués ici et qui ont soulevé une légitime émotion.

Dans l'affaire de la rue de Buci, il s'agissait de déclarer légitime un fait tombant matériellement sous le coup d'une incrimination de droit commun, parce que ce fait avait été commis pour la cause de la libération. Il est exact que la chambre des revisions de la cour d'appel de Paris a rendu, le 4 janvier 1945, un arrêt rejetant la demande de revision présentée par M. Jean Grelot pour son fils Pierre, fusillé par les Allemands après avoir été condamné antérieurement par le tribunal d'Etat. (*Interruptions.*)

Le parquet, qui seul, reçoit les instructions du ministère de la justice, avait demandé la revision. Dès le 7 février, la revision est reprise par le parquet. M. Etienne Legros qui, lui aussi, avait formé une demande de revision pour son fils Lucien, fusillé par les Allemands à la suite de la même affaire, est convoqué par le parquet général, qui lui demande la constitution d'un dossier sommaire indispensable. L'affaire est inscrite depuis plusieurs jours au rôle de la chambre des revisions pour l'audience du 1er mars. Le parquet soumettra d'office, à l'audience, la demande en revision pour tous les condamnés, y compris ceux pour lesquels

aucune demande n'a été présentée par les familles.

M. Pierre Villon. Et si elle est de nouveau refusée ?

M. le garde des sceaux. Quel reproche peut-on faire à la chancellerie ? Selon les instructions générales reçues, le parquet général a demandé la revision. Celle-ci ayant été rejetée par des juges mal éclairés... (*Interruptions.*)

M. Pierre Villon. Mal choisis !

Sur divers bancs. **Maintenus à tort !**

M. le garde des sceaux. ...le parquet général reprend la demande en revision. Il subsiste le jugement du 6 janvier qu'évidemment tout le monde ici déplore et qui peut être imputé à scandale à la magistrature. L'explication, croyez-moi, la voici.

Tous ici, nous savons ce qu'est l'affaire de la rue de Buci, ne serait-ce que pour en avoir entendu parler à la radio. Mais ces magistrats, ayant à juger sur dossier et étant des hommes de cabinet un peu en dehors des bruits du forum... (*Vives interruptions prolongées.*)

M. Vincent Auriol. Ils écoutaient la radio de Vichy et non pas la radio de Londres !

M. le garde des sceaux. ...se sont trouvés devant un dossier que, très légitimement, les familles de ces victimes avaient cru inutile de faire compléter, parce que le fait était évident.

Voilà l'explication psychologique de cette erreur lamentable, pour laquelle la chancellerie n'a évidemment pas de responsabilité. (*Interruptions.*)

J'en viens à l'affaire Maurras, ou plus exactement à l'histoire des deux dépêches contradictoires concernant la date où fut assassiné le père de « Stéphane », par des miliciens.

Voici exactement quels sont les faits.

Le 25 janvier 1945, le parquet général de Lyon avait adressé au procureur de la République de Nice un télégramme le priant de fournir des précisions sur la date exacte de l'assassinat de M. Worms.

Le 26 janvier, le parquet général a reçu la réponse télégraphique ci-après :

« En janvier 1944, Worms, domicilié à Saint-Jean-Cap-Ferrat, a été enlevé et tué dans l'arrondissement de Draguignan. Me suis dessaisi au profit du procureur Draguignan à qui je demande, par télégramme, de vous renseigner ».

« J'ai donné lecture de ce télégramme, — écrit le procureur général — à l'audience du 27 janvier, avant la plaidoirie de Me Goncet, défenseur de Maurras. »

Le même soir, vers 23 heures, un télégramme de Draguignan, mis à la poste à 18 h. 20, arrivait à la cour de justice. Il était ainsi conçu :

« Réponse télégramme adressé parquet de Nice. Vous avise suis saisi information assassinat Worms commis Fréjus 6 février 1944. Enquête police établit présomption crime commis par miliciens de Saint-Jean-Cap-Ferrat, accompagnés de plusieurs individus. »

Ce document, arrivant après les débats, qui se sont terminés vers vingt heures, n'a pas été produit à l'audience. Nous nous trouvons donc devant un premier télégramme relatant des faits erronés. Il est prouvé, en effet, que M. Worms a été enlevé de son domicile dans la nuit du 6 février et assassiné la même nuit dans l'arrondissement de Draguignan.

J'ai immédiatement songé à prendre une sanction. Cependant, le chef du parquet de Nice, M. Bousquet, est un homme de la Résistance et il est impossible que sa bonne foi n'ait pas été surprise par un quelconque subordonné. J'ai prescrit une enquête, n'ayant pas voulu frapper, sans complément d'enquête, un homme qui avait été désigné à ce poste par la Résistance.

D'autre part, devant la situation actuelle, que faire ? Les éminents avocats qui sont ici savent aussi bien que moi qu'aux termes des articles 444 et 445 du code d'instruction criminelle, la revision d'un procès n'est jamais possible que dans l'intérêt du condamné.

Une chose reste à faire; elle sera faite. Une information est ouverte contre les assassins de M. Worms et, d'après ce que nous savons déjà aujourd'hui des présomptions qui pèsent sur Maurras, celui-ci sera inculpé à nouveau, et cette fois comme complice de l'assassinat de M. Worms. Des instructions ont été données en ce sens. (*Très bien! très bien!*)

L'affaire Creyssel: Creyssel, justiciable de la Haute Cour, a été transféré pour cette raison de Nice à Fresnes, où il se trouve depuis le 3 décembre 1944.

Les ministres de Vichy ? Le conseil des ministres a décidé leur arrestation dès le mois de septembre, et le ministère de l'intérieur a aussitôt pris toutes dispositions en conséquence. Je ne pense pas que la police eût besoin d'apprendre par le département de la justice les noms et adresses des inculpés.

M. Emmanuel d'Astier de La Vigerie. Pourquoi relâche-t-on ceux d'entre eux qui avaient été internés ?

M. Robert-Pimienta. Prouvost est toujours en liberté. Et que deviennent l'affaire Pétain et l'affaire Carcopino ?

M. le garde des sceaux. Pour l'affaire Pétain, vous savez que la Haute Cour de justice, juridiction qui comprendra des jurés désignés par votre Assemblée, est compétente pour juger aussi bien Pétain que ses ministres.

La commission d'instruction près la Haute Cour de justice a seule la possibilité de décider de l'ordre des audiences. Le Gouvernement ne peut que faire savoir au procureur général près la Haute Cour son désir de voir les audiences se dérouler en tel ou tel sens. Le Gouvernement n'a pas manqué et ne manquera pas de le faire.

Les affaires économiques seraient en panne ? Voici cependant quelques inculpations, quelques détentions : Lehideux François, comité d'organisation de l'automobile, arrêté depuis le 31 août; Mirabaud Eugène, mines de Bor, 3 septembre 1944; Castellani Antoine, optique mécanique et haute précision, 10 septembre 1944;...

M. Gaston Monmousseau. Et M. de Wendel ?

M. le garde des sceaux. ...M. Gouin Ernest, société de construction Batignolles-Châtillon; Roth André, société Hotschkiss; les dirigeants de Caudron-Renault; Aubeaut, chaussures Pillot; Legueux, Carbone-Lorraine; Verdier, Gnome et Rhône; le président des Galeries Lafayette, le nommé Harchacol.

Au surplus, mesdames, messieurs, aucun d'entre vous n'a suspecté ni ne suspecte, je le suppose, les deux hommes que j'ai placés à la tête de la répression de la Seine : le procureur général Boissarie et le procureur Vassac, commissaire à la cour de justice de la Seine. Je sais leurs efforts quotidiens, leur énergie pour vaincre tous les obstacles, leur intransigeance à l'égard de toute intervention possible. Je sais aussi le travail et le courage de leurs collaborateurs, que nous avons choisis ensemble parmi le personnel existant.

M. Robert-Pimienta. Personne ne les a critiqués ici.

M. le garde des sceaux. Je vais vous découvrir un aspect, que vous ignorez sans doute, de ce malaise de la répression.

Au lendemain même du procès Brasillach, le commissaire, qui s'est fait l'accusateur public avec un talent et une énergie que personne ne conteste, reçut à la fois une série de menaces de mort répétées (*interruptions*) — ce dont il ne se soucie pas davantage que nous ne nous en soucions nous-mêmes — et un tract qui, le mettant en cause à propos d'une affaire de sucre, essayait de le discréditer auprès de la Résistance. (*Nouvelles interruptions.*) Vous commencez à comprendre, je pense, qui a intérêt à discréditer les magistrats...

M. Perney. La cinquième colonne !

M. le garde des sceaux. ...qui a intérêt à jeter le discrédit sur l'autorité et sur l'œuvre des cours de justice, pour énerver la répression et décourager ceux qui en sont responsables.

M. Jacques Debû-Bridel. Tout le monde rend hommage au procureur Boissarie.

M. Robert-Pimienta. Personne ne le critique ni le conteste; c'est Marcel Villard qui l'a nommé.

M. le garde des sceaux. Ne vous prêtez pas à ce travail de démolition !

Je passe maintenant des cas particuliers à l'ensemble. Je vous ai apporté, non seulement des paroles, mais des faits.

Je rappelle quelques chiffres : au 18 février, un total de 12.500 jugements, dont 2.000 rendus par les tribunaux militaires avant l'institution des cours de justice, 7.000 par les cours de justice, 3.500 par les chambres civiques.

Je vous ai prouvé qu'au rythme actuel des règlements par les parquets, la répression serait terminée quasi totalement à la fin de juillet.

Pour l'épuration, je vous rappelle le chiffre significatif qui a déjà été donné : un magistrat sur huit a dû être suspendu.

Aussitôt que l'avis des commissions d'épuration nous est parvenu, nous statuons. Je rappelle que les membres de la Résistance sont en majorité dans ces commissions d'épuration, et qu'ils peuvent évoquer tous les cas qu'ils désirent.

Une mise au point resterait, paraît-il, nécessaire, malgré ce que nous avons dit et répété, concernant le fameux communiqué du conseil des ministres qui disait en substance : l'épuration dans les administrations centrales doit être terminée le 15 février; l'épuration dans l'ensemble du personnel doit être terminée pour le 15 mars; en outre toutes les affaires actuellement à l'instruction et pouvant entraîner des peines capitales devront être jugées avant le 1er mai.

Que signifie ce communiqué ? Simplement ceci : chaque ministre doit faire tout ce qui est en son pouvoir pour que l'épuration soit effectivement terminée dans son département à la date indiquée. Et en ce qui concerne la répression, cela veut dire que, conformément aux instructions antérieurement données, tout doit être mis en œuvre par les parquets des cours de justice et par les cabinets d'instruction pour que toutes les affaires actuellement à l'information et pouvant entraîner des peines capitales soient jugées avant le 1er mai.

En aucune façon, bien entendu, ce communiqué n'aurait pu vouloir dire, ni que l'ordonnance sur l'épuration ou l'ordonnance sur les cours de justice serait abrogée à la date indiquée, ni qu'aucun grand criminel ne pourra être jugé après le 1er mai.

Souvenez-vous que l'ordonnance sur les cours de justice prévoit que celles-ci pourront encore être saisies six mois exactement après la libération totale du territoire. Ce délai, hélas! n'a pas commencé à courir.

Je rappelle ce que je vous disais l'autre jour. La politique du Gouvernement est

bien simple: répression aussi rapide que possible mais répression dans la justice, ce qui demande certains délais, et répression totale, c'est-à-dire que tous les coupables doivent être condamnés.

En matière d'épuration, c'est également simple: épuration aussi rapide que possible, épuration sans arbitraire, dans l'équité, et enfin épuration totale, c'est-à-dire que tous les cas suspects doivent être examinés.

Cela dit, je vous demande de considérer l'ensemble. Certes, sur la multitude des cas, il y a des erreurs, des anomalies, des faits choquants, c'est inévitable. Cependant, considérez que nous nous sommes trouvés au départ sans police, sans tribunaux, avec simplement une doctrine très ferme de la répression précisée antérieurement, et avec les dossiers qu'avait pu réunir le commissaire à l'intérieur de l'époque.

Voilà le point de départ, et il a fallu que la justice passe, mais en restant à la hauteur de la France, sans désordre, aussi vite que possible, mais tout en demeurant la justice.

Considérez ce qui se passe ailleurs; je suis bien persuadé que demain, lorsque l'on examinera la manière dont la répression et l'épuration se sont faites en France, nous n'aurons pas à en rougir, ni les uns ni les autres.

Voyez-vous, monsieur Oudard, nous avons fait connaissance, dès l'apparition des premières feuilles clandestines de la zone Sud, en février ou mars 1941, dans la ville de Lyon. Vous ne pouvez pas penser sérieusement que, si j'avais mauvaise conscience et si j'avais un seul instant l'impression d'être un fossoyeur du gaullisme, je resterais un jour de plus à la place où je suis.

Je suis à un poste de combat, au poste de combat le plus visé, vous le savez bien, par les hommes de Pucheu, de Christofini, de Chiappe, de Brasillach.

Comprenez-le donc et aidez-moi, aidez le Gouvernement à dissiper tout ce malaise fomenté évidemment dans l'ombre des vieilles officines de trahison, par des hommes qui ont intérêt à discréditer la Résistance, la République et le gaullisme, tant à l'intérieur qu'à l'extérieur!

Restons unis! C'est à cette condition seulement que nous ne trahirons pas l'idéal que représente pour nous tous ce que nous avons appelé depuis 1940 le gaullisme — oui, Copeau! — c'est-à-dire cette grande espérance française, cette grande espérance de pureté morale, cette grande espérance humaine. (*Applaudissements.*)

M. Emmanuel d'Astier de La Vigerie. Nous ne doutons pas de votre conscience, mais de votre fermeté.

M. le président. La parole est à M. Depreux.

M. André Mercier. Monsieur le garde des sceaux, vous n'avez pas répondu à la question que je vous ai posée concernant la composition de la commission d'études des questions de loyers.

M. le garde des sceaux. Si vous consultez le décret de 1936, vous y trouverez les mêmes termes, les mêmes noms. (*Vives exclamations.*)

Plusieurs délégués. Il y a eu la guerre depuis!

M. Vincent Auriol. En 1936, il n'y avait pas eu Vichy!

M. Marc Rucart. Je demande la parole pour un fait personnel. Il s'agit du décret de 1936 que j'ai signé.

M. le président. La parole est à M. Depreux, pour répondre à M. le garde des sceaux. Monsieur Rucart, je vous donnerai ensuite la parole.

M. Edouard Depreux. M. le garde des sceaux a trouvé, à la fin de son plaidoyer *pro domo*, des accents émouvants qui n'ont laissé aucun de nous indifférent.

Nous voudrions pouvoir lui dire que nous sommes convaincus. Malheureusement, si nous nous élevons du plan affectif au plan de la raison, nous avons le regret de lui dire qu'il ne nous a donné de réponse satisfaisante à peu près sur aucun point et que nous n'avons pas l'impression que la justice républicaine est aujourd'hui en des mains suffisamment solides. (*Applaudissements.*)

Vous tournant, monsieur le garde des sceaux, vers notre collègue M. Oudard, vous lui avez dit que si vous aviez mauvaise conscience, vous ne resteriez pas une minute de plus à votre poste. Nous sommes bien certains que lorsque vous dites cela vous êtes de bonne foi; mais nous ne sommes pas moins persuadés que nous avons le droit de vous dire que si l'Assemblée n'est autorisée à émettre que des avis, elle émet aujourd'hui, comme dans le dernier débat, un avis formel: à savoir qu'elle voudrait une répression plus énergique, une épuration plus rapide.

Ce que vous venez de nous dire en ce qui concerne les locataires est, je vous l'assure, de nature à nous inquiéter singulièrement. (*Très bien! très bien!*)

Les noms des membres de la commission d'étude des questions de loyer qui représentent la chambre syndicale des locataires et la chambre syndicale des propriétaires sont les mêmes, dites-vous, qu'en 1936. Mais, depuis 1936 ou, plus exactement, depuis 1940, il s'est passé un fait que vous connaissez aussi bien que nous: l'occupation de la France par les armées hitlériennes et par le gouvernement de Vichy, la trahison d'un certain nombre de Français qui, quels que soient leurs titres antérieurs à 1939, ont démérité lorsqu'ils se sont mis au service des occupants et du gouvernement de Vichy. (*Applaudissements.*)

Et ce que vous avez fait pour les locataires, vous l'avez malheureusement fait également pour un grand nombre de magistrats.

Vous avez parlé de l'affaire de la rue de Buci. Avez-vous eu conscience que vous avez dit nettement ceci: il faut excuser en quelque sorte les magistrats qui ont pu se tromper dans cette affaire parce qu'ils sont des hommes de cabinet et qu'ils ne connaissent pas les bruits du forum ?

Comment! Des bruits du forum, les appels émouvants et éloquents de notre ami Schumann à la radio de Londres, lorsqu'il faisait l'apologie de ceux qui luttaient pour la cause sacrée de la Résistance contre l'Allemand ? Des bruits du forum, l'annonce que des Français de vingt ans, comme le jeune Legros, dont je connais bien le père que j'aime beaucoup, ont été assassinés par les Allemands après avoir été condamnés une première fois par le tribunal d'Etat français ? Comment voulez-vous qu'on ignore qu'il s'agit d'une affaire de la Résistance quand on sait que le père et le frère aîné avaient été arrêtés comme otages par les autorités allemandes elles-mêmes ?

Il y a un point, par contre, sur lequel je suis entièrement d'accord avec vous. Je vous ai dit, l'autre jour, que j'avais eu envie de vous applaudir, pour la première fois, lorsque vous avez annoncé que M. Cassagneau n'était plus qu'un ancien magistrat. Aujourd'hui, j'ai applaudi avec une grande chaleur, lorsque vous avez trouvé cette formule excellente: « Je n'aime pas les réformes dont on parle toujours et qu'on n'accomplit jamais. »

Je suis persuadé que nos collègues, comme Mme Verger, qui ont demandé l'accession des femmes à la magistrature ont souscrit avec enthousiasme à cette formule. Je vous avais demandé si nous pouvions espérer, sur ce point, une solution rapide.

Vous nous avez dit nettement que vous étiez d'accord en principe avec nous. Je pense, par conséquent, qu'il n'y a pas lieu de tarder.

M. le garde des sceaux. J'ai déclaré formellement que je proposerai en ce sens, à très bref délai, un projet d'ordonnance au conseil des ministres.

M. Edouard Depreux. Que signifie l'expression: « à très bref délai ? »

M. le garde des sceaux. Disons quinze jours.

M. Edouard Depreux. Ce n'était pas là une question indiscrète, monsieur le garde des sceaux, car j'ai entendu dire — je ne sais pas si c'est exact — que vous aviez l'intention de ne prévoir la réalisation de cette mesure que pour la rentrée d'octobre ou de novembre prochain.

M. le garde des sceaux. Il n'en est pas question.

M. Edouard Depreux. Je vous en donne acte bien volontiers. Sur ce point, notre discussion a été extrêmement utile.

En ce qui concerne les naturalisations, j'ai peur de n'avoir pas très bien entendu votre chiffre. Vous me démentirez si je me suis trompé. Je crois que vous avez dit que l'on avait procédé, depuis la libération, à 336 naturalisations. Est-ce exact ?

M. le garde des sceaux. Oui.

M. Edouard Depreux. Cela fait une moyenne de deux par jour. Or, nous savons très bien les uns et les autres — ce sont les chiffres mêmes du rapport de M. Bonnevay que personne ne conteste — qu'il y a 485.000 dossiers en retard.

M. le garde des sceaux. Me permettez-vous de vous interrompre ?

M. Edouard Depreux. Volontiers.

M. le président. La parole est à M. le garde des sceaux, avec l'autorisation de l'orateur.

M. le garde des sceaux. Vous savez comment se font les enquêtes de naturalisation.

Elles ne sont pas conduites par les parquets, mais par les autorités administratives. Lorsqu'une demande parvient à la chancellerie, elle doit être renvoyée aux préfectures pour instruction. Ce qui explique que les dossiers que nous avons demandés par priorité, s'agissant de ceux qui ont des titres dans la Résistance, commencent seulement à arriver.

M. Edouard Depreux. Nous sommes absolument d'accord: ces dossiers commencent à arriver et aujourd'hui on a naturalisé 336 personnes. Il est incontestable qu'il y a 485.000 dossiers en instance.

M. le garde des sceaux. Non, 200.000.

M. Edouard Depreux. 200.000 dossiers de naturalisation, plus 285.000 dossiers de retraits de naturalisation prononcés par Vichy.

M. le garde des sceaux. Il y a eu seulement 13.600 retraits de naturalisation.

M. Edouard Depreux. Ces précisions nous rassurent un peu. Ainsi, il n'y aurait pas 485.000 dossiers en souffrance, comme l'indique M. Bonnevay, mais environ 230.000 auxquels il convient d'ajouter les nombreuses demandes que vous allez recevoir.

Or, j'avais cru devoir vous dire qu'équipé comme vous l'étiez, avec les crédits dont vous disposiez et étant donné que vos services étaient déjà singulièrement embouteillés avant guerre avec les naturalisations, vous ne pourriez donner satisfaction rapidement aux demandes en cours.

Il faut réaliser des réformes profondes pour que vous arriviez à satisfaire cette clientèle d'autant plus intéressante, je le

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répète, que beaucoup des candidats à la naturalisation ont bien gagné leur titre de Français en combattant soit dans l'armée régulière, soit dans les F. F. I.

En ce qui concerne le juge unique, vous avez voulu souligner avec une pointe de malice qu'il y avait quelque contradiction dans mon attitude : après avoir dit, en novembre, que j'étais partisan du juge unique, j'aurais déclaré, avant-hier, que je lui étais hostile. Je me suis fait mal comprendre et, dans ce cas, je m'explique.

Je vous avais invité, en novembre, à examiner la question de savoir si l'institution du juge unique ne permettait pas de réaliser quelques économies. Mais j'ai toujours pensé que vous ne pouviez réaliser cette réforme extrêmement importante que dans le cadre d'une réforme générale de la magistrature ; vous avez cru pouvoir la détacher et c'est là que réside notre désaccord.

Mais le malaise qui existe entre l'Assemblée — et non pas seulement quelques-uns de ses membres — et vous est beaucoup plus profond.

Vous avez vous-même employé les expressions de « malaise », « d'émotion légitime ». Nous avons l'impression que la répression n'est pas suffisamment coordonnée, ni suffisamment méthodique. Je vous assure que, sur ce point, vous ne nous avez donné aucun apaisement substantiel. Nous sommes persuadés qu'il faut changer radicalement de méthodes, si l'on veut éviter une crise.

M. Vincent Auriol. Il faudrait aussi changer de magistrats.

M. Edouard Depreux. Vous avez évoqué, d'une manière émouvante, la naissance du gaullisme. Combien y a-t-il d'hommes aujourd'hui qui essayent de pénétrer le gaullisme après avoir joué d'abord la carte du maréchal Pétain, puis celle du général Giraud ! Nous voudrions avoir l'assurance que ce ne sont pas ces gaullistes de la treizième heure qui auront le droit de saisir partout, et singulièrement au ministère de la justice et dans un certain nombre de parquets, les leviers de commande.

La question de l'épuration est cruciale. Vous savez quel a été le malaise profond de la Belgique au moment de la libération ; vous savez que l'héroïque peuple grec a connu les horreurs de la guerre civile, ce peuple grec que tous ici nous aimons doublement, parce que la Grèce antique nous a appris la liberté et le rationalisme qui est à la base de la science contemporaine et parce que la Grèce moderne avait remporté la victoire sur l'Italie mussolinienne avant que les légions hitlériennes viennent déshonorer l'Acropole et les alentours du Parthénon.

Vous savez quelle a été la cause de la guerre civile en Grèce : c'est en grande partie le mécontentement provoqué par un gouvernement qui n'avait pas su épurer, ni réprimer les agissements de la cinquième colonne.

Je vous en supplie, au nom du gaullisme que vous évoquiez tout à l'heure et qui est la volonté de la nation d'obtenir la libération nationale, la libération politique, la libération sociale et la libération économique (*Très bien ! très bien !*), pensez que la République française exige d'autres méthodes et, dans beaucoup de cas, d'autres hommes pour la mener à la victoire véritable contre tous les ennemis du dehors et du dedans. (*Vifs applaudissements.*)

M. le président. La parole est à M. Rucart, pour un fait personnel.

M. Marc Rucart. Répondant à notre collègue M. André Mercier, qui l'avait interrogé au sujet du maintien, dans certain organisme, de noms qui avaient été mis à l'honneur au temps de Vichy, M. le garde des sceaux a déclaré : « Ce sont les noms choisis en 1936. »

M. Depreux a répliqué spontanément, alors qu'il n'était pas mis en cause. Je tiens à ne rien ajouter à sa déclaration, pour bien souligner que ma protestation était tellement naturelle que je n'ai pas eu besoin de l'exprimer moi-même. Il ne s'agit donc plus d'un cas personnel, mais d'une question de fait, d'une vérité : c'est qu'entre 1936 et 1944, il s'est tout de même passé quelque chose. (*Applaudissements sur divers bancs.*)

M. le président. Je vais appeler l'amendement de M. Ramette sur le chapitre 1er...

M. Blocq-Mascart. Je demande la parole.

M. le président. La parole est à M. Blocq-Mascart.

M. Blocq-Mascart. Le groupe de la Résistance métropolitaine avait exprimé le désir, au cours de sa séance de mardi, qu'une suspension de séance permît à ses membres de se réunir après la discussion générale du budget de la justice.

Je vous demande, monsieur le président, de vouloir bien proposer à l'Assemblée de suspendre sa séance à cet effet.

M. le président. Un certain nombre de nos collègues proposent à l'Assemblée de suspendre sa séance pendant quelques instants, afin de permettre au groupe de la Résistance métropolitaine de se réunir.

Il n'y a pas d'opposition ?...

L'amendement de M. Arthur Ramette, qui sera appelé à la reprise, comporte un scrutin public. Je l'indique à nos collègues pour qu'ils soient présents à la reprise afin de participer au scrutin.

La séance est suspendue.

(*La séance, suspendue à seize heures quarante minutes, est reprise à dix-sept heures vingt-cinq minutes.*)

M. le président. La séance est reprise.

Je rappelle à l'Assemblée qu'au chapitre 1er du budget de la justice, j'ai été saisi d'un amendement de M. Arthur Ramette, qui propose de réduire le crédit de ce chapitre de 1.000 fr, et de le ramener, en conséquence, à 17.565.000 fr.

La parole est à M. Ramette.

M. Arthur Ramette. Certains de nos collègues ont demandé une suspension de séance pour se mettre d'accord sur des propositions à soumettre à l'Assemblée et qui ont un objet analogue à celui de mon amendement. Leur réunion n'est pas terminée.

Je suis prêt à défendre mon amendement ; mais je crois que l'Assemblée désirera suspendre à nouveau sa séance jusqu'au moment où nos collègues en auront terminé. (*Mouvements divers.*)

M. René Pleven *ministre des finances.* L'Assemblée pourrait réserver le chapitre 1er, auquel se réfère l'amendement de M. Ramette, et aborder l'examen des autres chapitres.

M. le président. L'Assemblée voudra, sans doute, accepter la suggestion de M. le ministre des finances.

M. Alexis Jaubert. Je tiens à observer que le chapitre 1er commande les quatre suivants. Tout se tient dans un budget et il est dangereux de réserver ainsi des chapitres.

M. le président. L'Assemblée n'en pourrait pas moins aborder l'examen des chapitres qui ne sont pas en rapport étroit avec le chapitre 1er.

M. Vincent Auriol. Personne n'ignore que l'amendement sur lequel délibèrent nos collègues a une portée politique et non pas financière. Rien ne s'oppose à ce que l'on poursuive l'examen du budget après avoir réservé les chapitres affectés par les amendements.

M. le président. Nos collègues vont revenir dans quelques minutes. En attendant, il ne me semble pas, en effet, y avoir d'inconvénient à ce que l'Assemblée examine les chapitres qui n'ont pas de rapport direct avec l'article 1er et sur lesquels il n'y a pas d'orateurs inscrits. (*Très bien ! très bien !*)

Je vous propose donc de réserver le chapitre 1er, sur lequel trois amendements ont été déposés, ainsi que le chapitre 2.

Il n'y a pas d'opposition ?...

Les chapitres 1er et 2 sont réservés.

Nous passons à l'examen du chapitre 3.

« Chap. 3. — Indemnités de fonctions aux magistrats, greffiers, commis-greffiers et secrétaires de parquet, 69.504.000 fr. »

Personne ne demande la parole sur le chapitre 3 ?...

Je le mets aux voix au chiffre de 69.504.000 fr.

(*Le chapitre 3, mis aux voix, est adopté.*)

M. le président. « Chap. 4. — Conseil d'Etat. — Traitements, 17.482.000 fr. »

Sur ce chapitre, nous avons été saisis à la dernière minute — je le regrette une fois de plus — d'une lettre rectificative, aux termes de laquelle le Gouvernement demande que le crédit du chapitre 4 soit augmenté de 113.000 francs et porté, en conséquence, à 17.595.000 francs.

Quel est l'avis de la commission des finances ?

M. Charles Laurent, *président de la commission des finances.* S'il s'agit, comme vient de me l'indiquer M. le ministre des finances, d'intégrer dans le Conseil d'Etat le comité de contentieux dont elle a réclamé la suppression, la commission accepte l'augmentation demandée par M. le ministre des finances au titre du chapitre 4.

M. le ministre des finances. Cette demande répond, en effet, au désir exprimé par la commission des finances.

M. le président de la commission. La commission accepte donc, pour le chapitre 4, le nouveau chiffre de 17.595.000 fr, proposé par le Gouvernement.

M. le président. La commission accepte le nouveau chiffre proposé par le Gouvernement.

Personne ne demande plus la parole ?...

Je mets aux voix le chapitre 4, au nouveau chiffre de 17.595.000 fr.

(Le chapitre 4, ainsi modifié, mis aux voix, est adopté.)

« Chap. 4 *bis* (nouveau). — Haute Cour de justice. — Traitements, 645.000 fr. » — (*Adopté.*)

« Chap. 5. — Cour de cassation. — Traitements, 12.432.000 fr. » — (*Adopté.*)

« Chap. 6. — Cour d'appel. — Traitements, 67.886.000 fr. » — (*Adopté.*)

« Chap. 7. — Tribunaux de première instance. — Traitements, 188.835.000 fr. » — (*Adopté.*)

M. le président. « Chap. 8. — Tribunaux cantonaux du ressort de la cour d'appel de Colmar. — Traitements, 3.635.000 francs. »

M. Louis Noguères a déposé un amendement qui tend à réduire de 1.000 fr. le crédit de ce chapitre et à le ramener, en conséquence, à 3.634.000 fr.

M. Louis Noguères. Je demande à l'Assemblée de bien vouloir réserver le chapitre 8 et mon amendement jusqu'à ce qu'elle ait examiné l'article 1er et les amendements qui y sont attachés.

M. le président. M. Noguères demande à l'Assemblée de réserver le chapitre 8.

Il n'y a pas d'opposition ?...

Le chapitre 8 est réservé.

M. le président. « Chap. 9. — Greffes et secrétariats des diverses juridictions du ressort de la cour d'appel de Colmar. — Traitements, 16.868.000 fr. »

Personne ne demande la parole ?...

Je mets aux voix le chapitre 9, au chiffre de 16.[illegible]8.000 fr.

(*Le chapitre 9, mis aux voix, est adopté.*)

« Chap. 10. — Justices de paix. — Traitements, 62.143.000 fr. » — (*Adopté.*)

« Chap. 11. — Services extérieurs judiciaires. — Indemnités fixes diverses, 5 millions de francs. » — (*Adopté.*)

« Chap. 12. — Services extérieurs judiciaires. — Indemnités variables, 185.000 francs. » — (*Adopté.*)

M. le président. Par lettre rectificative, le Gouvernement propose d'insérer ici un chapitre 12 *bis* nouveau, ainsi libellé et doté :

« Chap. 12 *bis*. — Service du contrôle des administrateurs provisoires et des administrateurs séquestres des biens spoliés. — Traitements, 5.368.000 fr. »

Quel est l'avis de la commission ?...

M. André Philip, *rapporteur général.* Le chapitre 12 *bis* vise la création d'un service de conseils d'administrateurs provisoires et d'administrateurs séquestres de biens spoliés. Au moment où une ordonnance va être soumise à l'Assemblée et où nous aurons à discuter du nouveau régime de réparation des biens spoliés, il apparaît en effet nécessaire de savoir dans quelles conditions cette administration s'est effectuée : la commission des finances accepte donc le nouveau chapitre proposé par la lettre rectificative.

M. le président. Je mets aux voix le chapitre 12 *bis* (nouveau), accepté par la commission, au chiffre de 5.368.000 fr.

(*Le chapitre 12 bis (nouveau) mis aux voix, est adopté.*)

M. le président. « Chap. 13. — Rémunération des personnels auxiliaires, 38 millions 910.000 fr. »

Par lettres rectificatives, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 509.000 fr. et porté, en conséquence, à 39.419.000 fr.

Quel est l'avis de la commission ?

M. le rapporteur général. Il s'agit d'un complément de dotation permettant de recruter, au service du contrôle, des administrateurs provisoires et quelques auxiliaires au salaire régional.

Cette demande est de même nature que celle qui concernait le chapitre précédent. La commission donne un avis favorable.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 13, au nouveau chiffre de 39.419.000 fr., accepté par la commission.

(*Le chapitre 13, ainsi modifié, mis aux voix, est adopté.*)

« Chap. 14. — Jury national des marchés de guerre. — Indemnités, 200.000 fr. » — (*Adopté.*)

« Chap. 15. — Ordre de la Libération. — Traitements, 76.000 fr. » — (*Adopté.*)

M. le président. « Chap. 16. — Services extérieurs pénitentiaires. — Traitements, 169.651.000 fr. »

Par lettres rectificatives, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 17.453.000 fr. et porté en conséquence à 187.104.000 fr.

Quel est l'avis de la commission ?...

M. le rapporteur général. Cette augmentation vise les services pénitentiaires dans les départements d'Alsace et de Lorraine. La commission des finances donne un avis favorable.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 16, au chiffre nouveau de 187.104.000 fr., accepté par la commission.

(*Le chapitre 16, ainsi modifié, mis aux voix, est adopté.*)

M. le président. « Chap. 17. — Services extérieurs pénitentiaires. — Indemnités fixes, 58.187.000 fr. »

Par lettres rectificatives, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 3.617.000 fr. et porté en conséquence à 61.804.000 fr.

Quel est l'avis de la commission ?

M. le rapporteur général. La commission accepte. Il s'agit d'un complément de dotation pour les indemnités. C'est une conséquence du chapitre 16.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 17, au chiffre nouveau de 61.804.000 fr., accepté par la commission.

(*Le chapitre 17, ainsi modifié, mis aux voix, est adopté.*)

M. le président. « Chap. 18. — Services extérieurs pénitentiaires. — Indemnités variables, 580.0000 fr. »

Par lettre rectificative, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 48.000 fr. et porté en conséquence à 628.000 fr.

Quel est l'avis de la commission ?

M. le rapporteur général. La commission accepte.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 18, au chiffre nouveau de 628.000 fr., accepté par la commission.

(*Le chapitre 18, ainsi modifié, mis aux voix, est adopté.*)

M. le président. « Chap. 19. — Services extérieurs pénitentiaires. — Personnel auxiliaire. — Employés et ouvriers, 10 millions 049.000 fr. »

Par lettres rectificatives, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 432.000 fr. et porté en conséquence à 10.481.000 fr.

Quel est l'avis de la commission ?...

M. le rapporteur général. La commission accepte.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 19, au nouveau chiffre de 10.481.000 fr., accepté par la commission.

(*Le chapitre 19, ainsi modifié, mis aux voix, est adopté.*)

M. le président. « Chap. 20. — Indemnités allouées pour services rendus par des tiers, 3.084.000 fr. »

Par lettres rectificatives, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 234.000 fr. et porté, en conséquence, à 3.318.000 fr.

Quel est l'avis de la commission ?...

M. le rapporteur général. Nous acceptons le nouveau chiffre proposé par le Gouvernement.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 20, au nouveau chiffre de 3.318.000 fr. accepté par la commission.

(*Le chapitre 20, ainsi modifié, mis aux voix, est adopté.*)

« Chap. 21. — Indemnités compensatrices aux personnels des services judiciaires et des services pénitentiaires d'Alsace et de Lorraine, 1 millions de francs. » — (*Adopté.*)

M. le président. « Chap. 22. — Indemnités de résidence, 45.278.000 fr. »

Par lettre rectificative, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 4 millions de francs et porté, en conséquence, à 49.278.000 fr.

Quel est l'avis de la commission ?...

M. le rapporteur général. Nous acceptons le nouveau chiffre proposé.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 22, au nouveau chiffre de 49.278.000 fr., accepté par la commission.

(*Le chapitre 22, ainsi modifié, mis aux voix, est adopté.*)

M. le président. « Chap. 23. — Supplément familial de traitement, 10 millions de francs. »

Par lettre rectificative, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 1.021.000 fr., et porté en conséquence, à 11.021.000 fr.

Quel est l'avis de la commission ?...

M. le rapporteur général. Nous donnons un avis favorable à la demande du Gouvernement.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 23, au nouveau chiffre de 11.021.000 fr., accepté par la commission.

(*Le chapitre 23, ainsi modifié, mis aux voix, est adopté.*)

« Chap. 24. — Congés de longue durée, 1.275.000 fr. » — (*Adopté.*)

« Chap. 25. — Application de la réglementation relative aux fonctionnaires suspendus de leurs fonctions, 4 millions de francs. » — (*Adopté.*)

« Chap. 26. — Rappels de rémunérations aux fonctionnaires réintégrés. » — (Mémoire.)

5e PARTIE. — *Matériel et fonctionnement des services.*

M. le président. « Chap. 27. — Remboursement de frais de déplacement, 20.135.000 francs.»

Par lettre rectificative, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 300.000 fr. et porté, en conséquence, à 20.435.000 fr.

Quel est l'avis de la commission ?

M. le rapporteur général. Il s'agit du remboursement des frais de déplacement pour le service du contrôle des administrateurs provisoires.

Nous donnons un avis favorable à la demande du Gouvernement.

M. le président. Personne ne demande la parole?...

Je mets aux voix le chapitre 27, au nouveau chiffre de 20.435.000 fr. accepté par la commission.

(*Le chapitre 27 ainsi modifié, mis aux voix, est adopté.*)

M. le président. « Chap. 28. — Matériel de l'administration centrale, 3.083.000 francs. »

Par lettres rectificatives, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 1.843.000 fr. et porté, en conséquence, à 4.926.000 fr.

Quel est l'avis de la commission ?

M. le rapporteur général. Elle donne un avis favorable à la demande du Gouvernement.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 28, au nouveau chiffre de 4.926.000 fr., accepté par la commission.

(*Le chapitre 28, ainsi modifié, mis aux voix, est adopté.*)

« Chap. 28 *bis* (nouveau). — Haute Cour de justice. — Matériel, 285.000 fr. ». — (*Adopté.*)

« Chap. 29. — Impressions et diplômes, 400.000 fr. » — (*Adopté.*)

« Chap 30. — Conseil d'Etat. — Matériel, 750.000 fr. » — (*Adopté.*)

« Chap. 31. — Cour de cassation. — Matériel, 350.000 fr. » — (*Adopté.*)

« Chap. 32. — Cours d'appel. — Matériel, 3.300.000 fr. » — (*Adopté.*)

« Chap. 33. — Ordre de la Libération. — Matériel, 115.000 fr. » — (*Adopté.*)

« Chap. 34. — Cours de justice. — Matériel, 1.500.000 fr. » — (*Adopté.*)

« Chap. 35. — Frais des impressions as-

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surées par l'Imprimerie nationale, 108.000 francs. » — (*Adopté.*)

« Chap. 36. — Rémunération des greffiers et autres personnels non fonctionnaires de diverses juridictions, 27.782.000 fr. » — (*Adopté.*)

« Chap. 37. — Jury national des marchés de guerre. — Dépenses diverses. » — (Mémoire.)

« Chap. 38. — Frais de reconstitution d'actes de l'état civil et d'archives hypothécaires, 375.000 fr. » — (*Adopté.*)

« Chap. 39. — Frais de registres d'état civil et frais d'impression des cadres pour la formation des listes du jury criminel, 900.000 fr. » — (*Adopté.*)

M. le président. « Chap. 40. — Travaux aux bâtiments pénitentiaires, 11.800.000 francs. »

Par lettres rectificatives, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 12.050.000 fr. et porté, en conséquence, à 23.850.000 fr.

Quel est l'avis de la commission?

M. le rapporteur général. Ici, la commission des finances n'est pas d'accord avec le Gouvernement.

Pour les chapitres précédents, il nous est bien apparu qu'il s'agissait de services qui n'avaient pas pu être prévus au moment où le budget nous a été renvoyé, puisqu'il s'agissait, d'une part, du contrôle des administrateurs provisoires, d'autre part, de la réinstallation des services financiers en Alsace-Lorraine récemment libérée.

Au chapitre 40, il s'agit d'une subvention donnée à un groupement privé, l'OEuvre de relèvement des prisonniers libérés, qui s'est donné pour but de recueillir, à leur sortie de prison, un certain nombre de détenus, de les occuper à des travaux, de manière à pouvoir leur donner ensuite des certificats qui leur permettront de trouver du travail et de gagner leur vie.

L'idée de venir en aide à des prisonniers libérés est infiniment sympathique à la commission; mais elle ignore tout de l'œuvre privée dont il est question. Il nous apparaît donc bien que la demande aurait dû être prévue dans le projet de budget, en nous donnant l'ensemble des renseignements nécessaires pour juger de l'utilité de cette œuvre, et que, maintenant, il vaut mieux attendre et nous présenter cette demande avec tous les renseignements nécessaires lors du prochain collectif.

Pour l'instant, nous ne pouvons pas donner un avis favorable; alors que nous n'avons aucun renseignement sur l'œuvre privée à laquelle on nous demande de donner un secours.

M. le président. La commission est donc d'avis de renvoyer au prochain collectif l'examen du nouveau crédit demandé par le Gouvernement ?

M. le rapporteur général Oui, monsieur le président.

M. le garde des sceaux. Le Gouvernement accepte.

M. le président. Le Gouvernement n'insiste pas pour l'adoption du nouveau chiffre qu'il avait proposé.

Personne ne demande la parole ?...

Je mets aux voix le chapitre 40, au chiffre de 11.800.000 fr.

(*Le chapitre 40, mis aux voix, est adopté.*)

« Chap. 41. — Réparations urgentes des bâtiments pénitentiaires endommagés par faits de guerre, 2 millions de francs. » — (*Adopté.*)

M. le président. « Chap. 42. — Matériel des établissements pénitentiaires, 9.200.000 fr. »

Par lettre rectificative, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 585.000 fr. et porté en conséquence, à 9.785.000 fr.

Quel est l'avis de la commission?...

M. le rapporteur général. La commission accepte la demande du Gouvernement.

M. le président. Personne ne demande la parole?...

Je mets aux voix le chapitre 42, au nouveau chiffre de 9.785.000 fr., accepté par la commission.

(*Le chapitre 42, ainsi modifié, mis aux voix, est adopté.*)

« Chap. 43. — Entretien des détenus. — Remboursements divers occasionnés par le séjour des détenus hors des établissements pénitentiaires, 200 millions de francs. » — (*Adopté.*)

« Chap. 44. — Rémunération des détenus employés dans les services autres que les régies industrielles, 14 millions de francs. » — (*Adopté.*)

M. le président. « Chap. 45. — Administration pénitentiaire, matériel automobile et transports, 7.200.000 fr. »

Par lettre rectificative, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 350.000 fr. et porté, en conséquence, à 7.550.000 fr.

Quel est l'avis de la commission ?

M. le rapporteur général. La commission accepte le nouveau chiffre proposé par le Gouvernement.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 45, au nouveau chiffre de 7.550.000 fr. accepté par la commission.

(*Le chapitre 45, ainsi modifié, mis aux voix, est adopté.*)

« Chap. 46. — Allocations versées au pécule des pupilles des institutions publiques d'éducation surveillée, 540.000 fr. » — (*Adopté.*)

« Chap. 47. — Frais de correspondance télégraphique et téléphonique, 1.420.000 francs. » — (*Adopté.*)

« Chap. 48. — Indemnités de difficultés de résidence, 12 millions de francs. » — (*Adopté.*)

« Chap. 49. — Dépenses de matériel pour le fonctionnement des services temporairement déplacés, 150.000 fr. » — (*Adopté.*)

M. le président. « Chap. 50. — Dépenses afférentes à des réquisitions, 600.000 fr. »

Par lettre rectificative, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 210.000 fr. et porté, en conséquence, à 810.000 fr.

Quel est l'avis de la commission ?...

M. le rapporteur général. La commission accepte le chiffre proposé par le Gouvernement.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 50, au nouveau chiffre de 810.000 fr., accepté par la commission.

(*Le chapitre 50 ainsi modifié, mis aux voix, est adopté.*)

« Chap. 51. — Construction de centres d'observation pour mineurs prévenus d'infractions graves, 1 million de francs. » — (*Adopté.*)

6e *partie. — Travaux.*

b) Travaux exécutés avec participation financière de l'Etat.

« Chap. 52. — Participation de l'Etat dans les dépenses de construction et d'aménagement des prisons cellulaires. » — (Mémoire.)

« Chap. 53. — Participation exceptionnelle de l'Etat pour travaux dans les prisons départementales, 10 millions de francs. » — (*Adopté.*)

7e *partie. — Charges sociales.*

M. le président. « Chap. 54. — Allocations familiales, 36.545.000 fr. »

Par lettre rectificative, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 8.704.000 fr. et porté, en conséquence, à 45.249.000 fr.

Quel est l'avis de la commission ?...

M. le rapporteur général. La commission accepte.

M. le président. Personne ne demande la parole ?...

Je mets aux voix le chapitre 54, au nouveau chiffre de 45.249.000 fr. accepté par la commission.

(*Le chapitre 54 ainsi modifié, mis aux voix, est adopté.*)

« Chap. 55. — Attributions aux personnels auxiliaires des allocations viagères annuelles prévues par l'article premier de la loi du 18 septembre 1940, 50.000 fr. » — (*Adopté.*)

« Chap. 56. — Application de la loi du 22 juillet 1912 sur les tribunaux pour enfants et la liberté surveillée, 46.455.000 francs. » — (*Adopté.*)

« Chap. 57. — Subvention pour travaux d'établissement, frais de fonctionnement, frais d'entretien attribués aux œuvres privées recevant des mineurs délinquants, 6 millions de francs. » — (*Adopté.*)

« Chap. 58. — OEuvres sociales, 5.500.000 francs. » — (*Adopté.*)

8e *partie. — Subventions.*

b) Subventions diverses.

M. le président. — « Chap. 59. — Subventions diverses, 2.295.000 fr.

Par lettre rectificative, le Gouvernement demande que le crédit de ce chapitre soit augmenté de 250.000 fr. et porté, en conséquence, à 2.545.000 fr.

Quel est l'avis de la commission?...

M. le rapporteur général. — La commission ne peut accepter l'augmentation proposée par le Gouvernement. C'est la conséquence naturelle de la décision qui a été prise pour le crédit du chapitre 40.

M. le ministre des finances. Le Gouvernement n'insiste pas. C'est, en effet, la conséquence de l'attitude qu'il a adoptée à propos du chapitre 40.

M. le président. — Le Gouvernement retire sa demande.

Personne ne demande la parole ?...

Je mets aux voix le chapitre 59 au chiffre de 2.295.000 fr.

(*Le chapitre 59, mis aux voix, est adopté.*)

9e *partie. — Dépenses diverses.*

« Chap. 60. — Réparations civiles, 14.000 francs. » — (*Adopté.*)

« Chap. 61. — Frais de justice en France, 70.000.000 de francs. » — (*Adopté.*)

« Chap. 62. — Ordre de la libération. — Secours accordés par le conseil de l'ordre, 1.000.000 de francs. » — (*Adopté.*)

« Chap. 63. — Fonctionnement des tribunaux de pension, 2.563.000 fr. » — (*Adopté.*)

« Chap. 64. — Secours temporaire, 225.000 fr. » — (*Adopté.*)

« Chap. 65. — Approvisionnement des cantines, 29.000.000 de francs. » — (*Adopté.*)

« Chap. 66. — Régie directe du travail, 25.000.000 de francs. » — (*Adopté.*)

« Chap. 67. — Consommation en nature dans les services extérieurs pénitentiaires, 25.000.000 de francs. » — (*Adopté.*)

« Chap. 68. — Emploi de fonds provenant de legs ou de donations. » — (Mémoire.)

« Chap. 69. — Dépenses des exercices pé-

rimés non frappées de déchéance. » — (Mémoire.)

« Chap. 70. — Dépenses des exercices clos. » — (Mémoire.)

M. le président. Nous revenons aux chapitres qui ont été réservés.

Je donne une nouvelle lecture du chapitre 1er :

« Chap. 1er. — Traitements du ministre et du personnel de l'administration centrale, 17.566.000 fr. »

M. Ramette a déposé un amendement tendant à réduire le crédit de ce chapitre de 1.000 francs et à le ramener, en conséquence, à 17.565.000 fr.

La parole est à M. Ramette.

M. Arthur Ramette. Je désire demander à M. le président s'il n'a pas été saisi d'un amendement du groupe de la Résistance métropolitaine. Je crois savoir que ce groupe a décidé, à la majorité, de déposer un amendement tendant au même objet que le mien.

M. le président. M. Bloeq-Mascart vient, en effet, de me saisir, au nom du groupe de la Résistance métropolitaine, d'un amendement ainsi conçu :

« Le groupe de la Résistance métropolitaine, conscient du danger que fait courir à la nation française une politique de faiblesse et d'atermoiement, aussi bien dans le domaine de la répression que dans le domaine de l'épuration ;

« Constatant le manque d'esprit patriotique d'une fraction de la magistrature restée fidèle à l'esprit de Vichy ;

« Considérant que la personne de M. le garde des sceaux ne saurait être mise en cause et rendant hommage à son action dans la Résistance et à son patriotisme ;

« Considérant que le défaut d'épuration ne peut être, dans sa totalité, imputé au seul garde des sceaux et qu'il est bon de rappeler au Gouvernement tout entier les engagements qu'il a pris à Londres et à Alger en cette matière ;

« Rappelant les votes qui, par deux fois, ont exprimé en vain la volonté de l'Assemblée ;

« Demande au Gouvernement de reconsidérer sa politique en matière de répression et d'épuration ;

« Propose la suppression du crédit de 350.000 fr. inscrit à l'article 1er du chapitre 1er. »

M. Arthur Ramette. La réduction proposée étant plus élevée que celle que j'ai demandée, je retire mon amendement.

M. le président. L'amendement de M. Ramette est retiré.

La parole est à M. Bloeq-Mascart pour soutenir l'amendement qu'il a déposé au nom du groupe de la Résistance métropolitaine.

M. Maxime Bloeq-Mascart. Le groupe de la Résistance métropolitaine a décidé, à la majorité, de proposer à l'Assemblée l'amendement suivant :

« Le groupe de la Résistance métropolitaine, conscient du danger que fait courir à la nation française une politique de faiblesse et d'atermoiement, aussi bien dans le domaine de la répression que dans le domaine de l'épuration ;

« Constatant le manque d'esprit patriotique d'une fraction de la magistrature restée fidèle à l'esprit de Vichy ;

« Considérant que la personne de M. le garde des sceaux ne saurait être mise en cause et rendant hommage à son action dans la résistance et à son patriotisme ;...

M. Maurice Schumann. Très bien !

M. Maxime Bloeq-Mascart. « Considérant que le défaut d'épuration ne peut être, dans sa totalité, imputé au seul garde des sceaux...

M. Maurice Schumann. Très bien !

M. Maxime Bloeq-Mascart. « ...et qu'il est bon de rappeler au Gouvernement tout entier les engagements qu'il a pris à Londres et à Alger en cette matière ;

« Rappelant les votes qui, par deux fois, ont exprimé en vain la volonté de l'Assemblée ;

« Demande au Gouvernement de reconsidérer sa politique en matière de répression et d'épuration ;

« Propose la suppression du crédit de 350.000 fr. inscrit à l'article 1er du chapitre 1er. »

M. le président. La parole est à M. Schumann.

M. Maurice Schumann. Je renonce à la parole.

M. le président. Je dois indiquer, du reste, qu'après l'auteur de l'amendement, un membre de l'Assemblée, d'opinion contraire, peut seul avoir la parole.

M. Maurice Schumann. C'est pourquoi j'ai renoncé à la parole, monsieur le président.

M. André Colin. Je demande la parole contre l'amendement.

M. le président. La parole est à M. Colin.

M. André Colin. L'Assemblée doit, en ce moment, éprouver une assez grande inquiétude quant à l'avenir, je ne dis pas de la Résistance, mais de l'unité de l'esprit de la Résistance.

Cet esprit s'était manifesté dans *Combat*, ainsi que dans la charte de la Résistance, qui exprimait la volonté de tous les groupements, partis et associations rassemblés dans le C. N. R., de prolonger leur union, afin d'assurer à la France l'instauration d'une véritable démocratie.

Je constate aujourd'hui que, vu le caractère de l'amendement qui vient d'être déposé par la majorité du groupe de la Résistance métropolitaine, son vote par l'Assemblée mettrait fin à l'unité de la Résistance. Notre Assemblée a donc, sur ce point, à prendre ses responsabilités.

D'autre part, j'estime qu'il est important de saisir l'Assemblée des conditions dans lesquelles le groupe de la Résistance métropolitaine a émis un vote favorable à l'amendement, ainsi que d'attirer son attention sur la portée de ce texte.

L'exposé des motifs de l'amendement ne vise pas seulement l'action du ministre de la justice et celle de la magistrature, il concerne, au fond, toute la politique générale du Gouvernement en matière d'épuration. (*Applaudissements.*)

M. Maurice Schumann. Très bien !

M. André Colin. Ce n'était donc pas le budget du ministère de la justice qu'il convenait de viser. Vous pouviez, mesdames, messieurs, prendre aujourd'hui la responsabilité d'appliquer la même réduction aux budgets de tous les départements ministériels : alors, nous vous aurions suivis. (*Très bien! très bien! sur divers bancs.*) Vous pouviez, le cas échéant, désigner une délégation composée de membres de l'Assemblée, chargée d'aller exprimer au général de Gaulle lui-même nos inquiétudes en ce qui concerne la politique générale suivie par le Gouvernement en matière de répression et de justice. (*Très bien! très bien! sur divers bancs.*)

M. Marcel Poimboeuf. Et de ravitaillement.

M. André Colin. L'amendement qui vous est soumis vous invite à en décider autrement. Je suis persuadé qu'avant d'émettre un vote sur cet amendement, vous songerez à vos responsabilités et vous réfléchirez.

L'amendement qui vous est proposé risque de briser l'unité de la Résistance, parce qu'il vise la politique générale du Gouvernement et, par conséquent, le chef du Gouvernement, alors qu'il s'agit de traduire tout simplement nos préoccupations en matière de répression. (*Applaudissement sur de nombreux bancs.*)

Conscient de l'importance du risque que nous allons courir, j'estime que nous devrions nous orienter vers une initiative d'un autre genre. (*Mouvements divers.*)

M. Germinal. C'est une manœuvre !

M. André Colin. Je dis bien, mesdames, messieurs, que c'est vers une initiative d'un autre genre que vous devriez vous diriger, à moins qu'il s'agisse pour vous d'émettre un vote politique par lequel vous voudriez briser la Résistance. Je suis sûr que telle n'est pas votre intention ; aussi vous ne voterez pas l'amendement qui vous est proposé. (*Applaudissements sur de nombreux bancs.*)

M. le ministre des finances. Je demande la parole.

M. le président. La parole est à monsieur le ministre des finances.

M. le ministre des finances. Mesdames, messieurs, ni le ministre de la justice ni le ministre des finances ne sont de grands experts en matière de procédure parlementaire. Ils ne doivent leur place dans le Gouvernement qu'au rôle que l'un et l'autre, depuis le premier jour, ont eu dans la Résistance, dans la Résistance contre tout ce que signifiait Vichy, à l'intérieur comme à l'extérieur. (*Applaudissements.*)

C'est parce que, nous aussi, nous sommes imprégnés du souci de maintenir l'unité de la Résistance, d'une Résistance qui est constituée, et par les résistants du pays, qui ne sont pas tous dans les mouvements, et par les mouvements, et par les partis, et par le Gouvernement lui-même, que je m'adresse à ceux que je considère comme mes camarades du groupe de la Résistance intérieure pour leur demander de retirer leur amendement.

M. Maurice Schumann. Très bien !

M. le ministre des finances. Si le désir de l'Assemblée a été de faire connaître au Gouvernement ce qu'elle pensait de la politique d'épuration et de justice, j'ose dire que les discussions que, durant trois jours consécutifs, nous venons de consacrer à ce sujet ont suffisamment éclairé le Gouvernement sur la pensée de l'Assemblée. (*Applaudissements.*)

Il appartiendra au Gouvernement de tirer de ce débat les conclusions qu'il peut impliquer. Mais, ni l'autorité, ni le prestige de l'Assemblée, ni celui du Gouvernement ne peuvent être servis par des votes inutiles.

Or, c'est un vote inutile, dans ce débat budgétaire, que de réduire la dotation du chapitre correspondant au traitement du garde des sceaux.

Voilà pourquoi je demande au groupe de la Résistance, ainsi qu'au groupe auquel appartient M. Ramette qui, l'un et l'autre, sont amplement représentés au Gouvernement (*Très bien! très bien! sur divers bancs.*) de retirer leur amendement. (*Applaudissements.*)

M. le président. La parole est à M. Bloeq-Mascart.

M. Bloeq-Mascart. J'ai été mandaté pour soutenir l'amendement présenté au nom du groupe de la Résistance métropolitaine. Je demande une nouvelle suspension de séance, afin de permettre au groupe de décider si cet amendement doit être maintenu. (*Exclamations sur divers bancs.*)

M. le ministre des finances. Il faut, en effet, que le groupe se réunisse.

M. Bloeq-Mascart. Personnellement, j'avais suggéré devant le groupe une autre solution. Je ne me considère donc pas en droit de retirer cet amendement.

M. le président. Le Gouvernement a adressé un appel à M. Bloeq-Mascart, qui a défendu, au nom du groupe de la Résis-

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tance métropolitaine, l'amendement au chapitre 1er.

En réponse à cet appel, M. Blocq-Mascart demande, au nom du groupe, une nouvelle suspension de séance pour lui permettre de délibérer sur le nouvel aspect du problème qui vient de lui être présenté par M. le ministre des finances. C'est à l'Assemblée qu'il appartient de décider si une nouvelle suspension de séance doit avoir lieu.

Je consulte l'Assemblée sur la suspension de séance demandée par M. Blocq-Mascart.

(*L'Assemblée, consultée, décide de suspendre la séance.*)

M. le président. La séance est suspendue.

(*La séance, suspendue à dix-sept heures cinquante minutes, est reprise à dix-huit heures trente minutes.*)

M. le président. La séance est reprise.

La parole est à M. Blocq-Mascart.

M. Maxime Blocq-Mascart. Au nom de mes collègues, je retire l'amendement précédemment déposé et je demande à l'Assemblée la permission de lui en soumettre un autre, dont voici le texte:

« L'Assemblée regrette que ses avis réitérés en matière d'épuration et de répression judiciaire n'aient pas été pris en considération;

« Prend acte des déclarations de M. le ministre des finances affirmant, au nom du Gouvernement, qu'à l'avenir, il n'en sera plus ainsi;

« Réserve le vote de l'article 1er du chapitre 1er jusqu'à ce que des explications complémentaires aient été données à son bureau, qu'elle mandate à cet effet pour prendre contact avec le chef du Gouvernement. »

M. le président. M. Blocq-Mascart retire, au nom du groupe de la Résistance métropolitaine, l'amendement qu'il avait présenté et, au nom du même groupe, en dépose un autre, qui est ainsi conçu:

« L'Assemblée regrette que ses avis réitérés en matière d'épuration et de répression judiciaire n'aient pas été pris en considération;

« Prend acte des déclarations de M. le ministre des finances affirmant, au nom du Gouvernement, qu'à l'avenir, il n'en sera plus ainsi;

« Réserve le vote de l'article 1er du chapitre 1er jusqu'à ce que des explications complémentaires aient été données à son bureau, qu'elle mandate à cet effet pour prendre contact avec le chef du Gouvernement. »

M. Joseph Denais. Ce texte sort du cadre du budget. C'est un ordre du jour terminant une interpellation.

M. le président. Quel est l'avis du Gouvernement ?...

M. le ministre des finances. Je n'ai rien à ajouter aux déclarations que j'ai faites et qui seront, j'en suis sûr, reproduites fidèlement au *Journal officiel*.

M. le président. Pour qu'il n'y ait pas de doute sur le sens du vote qui va intervenir, au point de vue réglementaire, je précise que l'amendement de M. Blocq-Mascard tend à réserver le chapitre 1er.

M. Blocq-Mascart. J'insiste sur le fait que l'amendement est présenté en mon nom et au nom de la majorité du groupe de la Résistance métropolitaine.

M. le président. M. Ramette avait joint une demande de scrutin à son amendement. Je le prie de me dire s'il entend appliquer cette demande à l'aemendement de M. Blocq-Mascart.

M. Arthur Ramette. Oui, monsieur le président.

M. le président. L'Assemblée va donc être appelée à se prononcer par scrutin sur l'amendement de M. Blocq-Mascart.

La parole est à M. Avinin pour expliquer son vote.

M. Antoine Avinin. Je déclare, au nom du Mouvement de la libération nationale, que nous voterons l'amendement présenté par notre camarade M. Blocq-Mascart.

M. le président. La parole est à M. Lecourt.

M. Lecourt. Au nom de mes amis, j'indique à l'Assemblée que nous allons voter dans le même sens, heureux qu'une conciliation ait pu intervenir entre les divers points de vue.

M. le président. La parole est à M. Robert-Pimienta.

M. Robert-Pimienta. Monsieur le président, puisque l'Assemblée est appelée à se prononcer par scrutin public, je demande que ce scrutin public ait lieu à la tribune, pour éviter que, par fraude, on fasse voter les absents. (*Exclamations.*)

M. le président. La demande de scrutin que j'ai reçue ne comporte que vingt signatures, alors qu'aux termes du règlement une demande de scrutin public à la tribune doit être signée de quarante membres. M. Robert-Pimienta ne les représente pas. (*Sourires.*)

Il s'agit donc d'un scrutin ordinaire.

M. Robert-Pimienta. Alors, les absents vont voter! (*Protestations.*)

M. le président. Je rappelle que seuls les membres présents ont le droit de voter.

Il me suffira, je pense, d'avoir rappelé cette règle pour être assuré que l'Assemblée s'y conformera. (*Très bien! très bien!*)

La parole est à M. Noguères pour expliquer son vote.

M. Louis Noguères. Nous n'avons pas entendu, tout à l'heure, les explications données par M. le ministre des finances. (*Mouvements divers.*)

C'est la vérité.

Je pose donc à M. le ministre des finances la question suivante: confirme-t-il ce qui est indiqué dans le texte de l'amendement ?

M. le président. La parole est à M. le ministre des finances.

M. le ministre des finances. Monsieur Noguères, je croyais m'être exprimé d'une façon suffisamment intelligible devant l'Assemblée.

Je ne me propose pas de répéter ce que j'ai dit tout à l'heure. J'indique seulement que ce que j'ai dit, tout ce que j'ai dit, et rien que ce que j'ai dit, a été sténographié et sera publié au *Journal officiel*, que j'ai parlé sous l'empire d'une conviction profonde et que je ne me reconnais pas la possibilité de déclarer si l'amendement présenté interprète convenablement ce que j'ai dit.

M. le président. La parole est à M. Vincent Auriol.

M. Vincent Auriol. Au nom de mes amis, je déclare que nous avons parfaitement entendu les déclarations de M. le ministre des finances et que le texte qui vient d'être lu traduit fidèlement les paroles de M. le ministre et l'émotion qui s'est manifestée dans l'Assemblée.

Il se peut qu'un ou deux de nos collègues, éloignés du banc du Gouvernement, n'aient pas entendu M. le ministre des finances. Mais nous l'avons, mes amis et moi, parfaitement entendu, et c'est pourque nous voterons l'amendement. (*Applaudissements.*)

M. le président. Personne ne demande plus la parole ?...

Je mets aux voix l'amendement de M. Blocq-Mascart.

J'ai reçu de M. Ramette une demande de scrutin revêtue des vingt signatures réglementaires.

Le scrutin est ouvert.

(*Les votes sont recueillis. — MM. les secrétaires en font le dépouillement.*)

M. le président. Voici le résultat du dépouillement du scrutin.

Nombre des votants.....	183
Majorité absolue.....	92
Pour l'adoption.....	169
Contre	14

L'Assemblée a adopté.

Les amendements déposés par Mme Delaunay et par MM. Boulet et Perrin sur le chapitre 1er se trouvent naturellement réservés avec ce chapitre.

Comme conséquence du vote que l'Assemblée vient d'émettre, il y a lieu de réserver également le chapitre 2, qui concerne les indemnités du ministre et du personnel de l'administration centrale.

Il n'y a pas d'opposition ?...

Le chapitre 2 est réservé.

Nous passons au chapitre 8, qui avait été réservé.

« Chap. 8. — Tribunaux cantonaux du ressort de la cour d'appel de Colmar. — Traitements..... 3.635.000 fr. »

M. Louis Noguères a déposé un amendement tendant à réduire le crédit de ce chapitre de 1.000 fr. et à le ramener en conséquence à 3.634.000 fr.

La parole est à M. Noguères.

M. Louis Noguères. Mesdames, messieurs, je suis à la tribune au nom de votre commission de l'Alsace et de la Lorraine. Qu'un Français qui vient des marches de Catalogne apporte son concours fraternel aux Français des marches de l'Est, vous y verrez, je pense, et sans surprise, un témoignage de l'unité française.

Or, c'est précisément cette unité que j'ai mandat de défendre devant l'Assemblée et devant le pays.

La commission de l'Alsace et de la Lorraine s'est émue, toute l'Alsace s'est émue, d'un article publié par le journal *France soir*, le 11 février dernier.

Cet article, en voici le titre, dont les caractères mêmes — c'est le moins qu'on puisse dire — marquent le désir d'attirer l'attention: « Rossé n'a jamais trahi l'Alsace ni la France ».

Or, messieurs, parler au nom de l'Alsace et parler au nom de la France impose, et vous le comprenez bien, à la fois de la modération, et, autant qu'il est possible, de la hauteur de vue.

Lorsque l'opinion alsacienne et l'opinion française se sont trouvées en présence de ce titre, qui, encore une fois, veut frapper le lecteur, il s'est produit un sursaut, et vous comprendrez tout à l'heure pourquoi, Mais auparavant, je tiens à ce qu'il soit bien entendu que, républicain, je ne mets pas en cause, ici, la liberté d'expression de l'homme qui a donné l'interview, et qui a nom M. le sénateur Brogly.

M. le sénateur Brogly a tenu à dire: « Rossé n'a jamais trahi l'Alsace, ni la France », et il a ajouté qu'il lui conservait, quant à lui, son amitié. La liberté veut que M. Brogly reste maître du choix de ses amitiés; elle veut aussi que le journaliste, sous sa responsabilité — responsabilité devant sa conscience et responsabilité devant la loi — soit libre de dire ce qu'il entend dire.

Par conséquent, ce n'est pas sur ce plan que je vais me placer. Le journaliste a dit ce qu'il a cru devoir dire, mais nous, nous avons aussi à exprimer une opinion et nous devons la signifier au journal et au journaliste.

Nous tenons à déclarer que Rossé, qui avait été arrêté au mois de septembre 1939 parce qu'il était un agent de l'Allemagne,

et qui avait été conduit dans un camp à Nancy, a été délivré par les Allemands victorieux et ramené par eux, en triomphateur, à Strasbourg. Un grand nombre de témoignages et de photographies le prouvent.

Rossé a accepté d'être fonctionnaire allemand; il avait un poste largement rémunéré, celui de directeur de la liquidation des assurances sociales. Il a été de ceux qui se sont félicités de ce que nos départements d'Alsace et de Lorraine fussent de nouveau annexés à l'Allemagne.

Tel est Rossé. Vous comprenez maintenant quelle émotion s'est emparée des Alsaciens et des Français, lorsqu'ils ont lu, dans *France-Soir*, cette affirmation : « Rossé n'a jamais trahi l'Alsace, ni la France. »

Il fallait que cette protestation fût portée à la tribune. Mais nous le faisons avec regret, car, au-dessous du titre de *France-Soir*, on lit ces mots: « Défense de la France ».

Croyez-vous vraiment que ceux de nos camarades qui ont travaillé à la défense de la France ne soient pas ulcérés ? Ils doivent penser qu'il n'est pas question ici de défense de la France, mais seulement de sauvegarde d'intérêts particuliers, les intérêts matériels du journal.

Si je suis intervenu dans ce débat, à l'occasion de la discussion d'un chapitre qui intéresse l'Alsace et la Lorraine, c'est uniquement pour donner au Gouvernement l'occasion de faire une déclaration solennelle, rassurante pour les Alsaciens et les Français, et pour qu'il soit bien entendu que Rossé, où qu'il se cache, sera recherché, arrêté, puis traduit devant la justice française, pour en recevoir le châtiment qu'il mérite. (*Très bien! très bien!*)

Il est indispensable que cela soit dit, et, si vous aviez quelque scrupule, je me permettrais, alors, de vous faire observer que l'article dont il s'agit comporte lui-même la justification de notre intervention.

En effet, voici tout d'abord, puisées dans cet article, les déclarations de M. le sénateur Brogly : « Menacé d'être expulsé, en 1940, par les Allemands, j'ai dû à Rossé de rester en Alsace ».

C'est donc que Rossé avait auprès du gouvernement allemand, et auprès du gauleiter Wagner, une influence telle qu'il pouvait obtenir une décision de cet ordre.

Plus loin, M. Brogly explique que, le 21 août 1944, il fut inscrit sur une liste d'otages, et qu'il s'est préoccupé de trouver un refuge loin de Colmar. Pour se mettre à l'abri, il a employé le procédé suivant: « Je suis passé ostensiblement, dit-il, au domicile de Rossé... ». Passer ostensiblement au domicile de Rossé, c'était, aux yeux de l'autorité allemande, la meilleure couverture.

Allant plus loin encore, voici ce que je lis :

« Quant à Rossé, il est resté un vrai Alsacien. Il a profité de la sollicitude intéressée des Allemands, pour faire libérer un grand nombre de nos compatriotes. »

Un vrai Alsacien ? Je dis : non! Car un vrai Alsacien n'a pas à profiter de la sollicitude intéressée des Allemands. Rossé n'est, ni un vrai Alsacien, ni un bon Français. (*Applaudissements.*)

Et nous avons compris.

N'oubliez pas que Rossé contrôlait, en Alsace, avant la guerre, dix-huit journaux, et qu'il y avait, de ce fait, une influence considérable.

A mon avis, nous nous trouvons en présence d'une première manœuvre : on essaye, d'une manière oblique, de reprendre pied, et on cherche à savoir comment réagira l'opinion publique. On a mis en avant le nom de Rossé, en le proclamant un vrai Alsacien. Si nulle réaction ne se manifeste, Rossé pourra alors réapparaître à l'horizon.

Que fera-t-il ? Ce qu'il a déjà commencé à faire.

Lorsque les Allemands ont compris que les événements ne prenaient pas la tournure désirée, et que l'annexion des départements du Haut-Rhin et du Bas-Rhin ne serait peut-être pas définitive, ils ont employé Rossé à une besogne qu'il connaît bien. Dès lors, on l'a vu à Vichy, et aussi dans les départements de repli des Alsaciens. A quelles fins ? Il a repris sa propagande autonomiste. Ce faisant, il continuait à servir Hitler.

C'est pourquoi, je le répète, il faut qu'on sache bien que le Gouvernement est décidé à mettre fin à la manœuvre, au moment même où elle commence et où nous pouvons la saisir. Il faut que le Gouvernement, par une déclaration formelle, rassure les esprits, et que, surtout, il brise l'effort de ceux qui, derrière Rossé, ou à côté de lui, voudraient recommencer ce que nous avons connu, hélas! avant la guerre, à savoir la manœuvre d'un autonomisme d'inspiration allemande. Il convient absolument d'empêcher que recommence cette opération. C'est la raison de notre amendement.

Je pense que vous voudrez demander avec nous, et dans un élan unanime, que l'on en termine avec une opération du genre de celle que nous dénonçons. Une déclaration solennelle doit être faite au nom du Gouvernement. L'Alsace le désire, la France la veut, les patriotes l'exigent. (*Applaudissements.*)

M. le président. La parole est à M. le garde des sceaux.

M. le garde des sceaux. Je suis en mesure de rassurer pleinement l'Assemblée: M. Rossé est détenu à Colmar. (*Applaudissements.*)

La justice suivra son cours, tant en ce qui concerne le procès de 1939, commencé devant le tribunal militaire de Nancy, qu'en ce qui a trait aux agissements de M. Rossé, depuis 1940. (*Nouveaux applaudissements.*)

Je pense que ces précisions sont de nature à donner satsfaction à M. Noguères, qui voudra bien, en conséquence, retirer son amendement.

M. Louis Noguères. Etant donné les déclarations de M. le garde des sceaux, je retire, en effet, mon amendement.

M. le président. L'amendement de M. Noguères est retiré.

Personne ne demande plus la parole ?...

Je mets aux voix le chapitre 8, au chiffre de 3.635.000 fr.

(*Le chapitre 8, mis aux voix, est adopté.*)

Ravitaillement.

M. le président. Nous allons aborder la discussion du budget du ravitaillement. (*Protestations sur divers bancs.*)

La séance de demain sera sans doute brève, en raison de l'invitation qu'ont reçue un assez grand nombre de nos collègues, de la part de l'ambassade de l'Union des républiques socialistes soviétiques, qui fêtera le vingt-septième anniversaire de la glorieuse armée rouge.

Il serait donc sage d'aborder maintenant la discussion générale du budget du ravitaillement et d'entendre, ce soir, au moins M. Gaston Tessier, rapporteur de ce budget.

M. Robert-Pimienta. Au cours d'une précédente séance, vous avez fait observer, monsieur le président, qu'il était de bonne méthode que l'Assemblée se séparât après avoir terminé l'examen d'un budget. (*Sourires.*)

M. le président. Mais il est encore de meilleure méthode de commencer l'examen d'un budget à temps pour en terminer à la séance du lendemain. (*Rires et applaudissements.*)

Nous allons donc passer à l'examen du budget du ravitaillement.

Avant d'ouvrir la discussion, je dois faire connaître que j'ai reçu un arrêté désignant, en qualité de commissaires du Gouvernement, pour assister M. le ministre du ravitaillement:

M. Miné, secrétaire général,

M. Heilbronner, directeur de l'administration, de la réglementation et du contentieux.

Acte est donné de cette communication.

Dans la discussion générale, la parole est à M. Tessier, rapporteur.

M. Gaston Tessier, *rapporteur.* Mesdames, messieurs, le sujet dont nous abordons l'examen n'est pas populaire et le deviendrait malaisément. L'opinion française, en effet, aura toujours peine à admettre que notre pays continue de supporter des mesures de rationnement analogues à celles qui lui avaient été imposées par l'ennemi. Puisqu'il y a cependant une nécessité inéluctable, au moins pour une assez longue période, tout l'effort du ravitaillement doit tendre à une répartition aussi exacte que possible des ressources et des charges entre tous les citoyens, entre toutes les familles.

Pendant l'occupation, une sorte de devoir patriotique imposait de saboter le dispositif de rationnement établi par les autorités allemandes. Un magnifique élan de solidarité, qui se traduisait notamment par l'envoi d'innombrables colis familiaux, permettait aux campagnes d'atténuer les privations subies par les citadins.

Aux jours heureux de la libération, on put croire, en beaucoup d'endroits, que c'en était fini de l'ère des restrictions et que le départ des envahisseurs allait permettre de revenir immédiatement à un certain équilibre entre la production et la consommation. Hélas! cet optimisme était prématuré.

Inutile de rappeler les causes nombreuses qui ont restreint les possibilités de notre agriculture. Indiquons seulement qu'une partie notable des terres ne pourront être exploitées pendant longtemps parce qu'elles restent parsemées de mines dont la recherche et l'enlèvement exigeront de pénibles travaux. D'autre part, l'insuffisance des tonnages disponibles pour les besoins civils n'a permis ni à notre Empire, ni aux Alliés de nous envoyer l'aide espérée.

De même, la priorité indiscutable des besoins militaires restreint considérablement la capacité des transports ferroviaires. Pour suffire au ravitaillemnt quotidien des populations en produits alimentaires sans constitution de stocks, il faudrait pouvoir disposer d'un strict minimum de wagons couverts. Or, dans telle semaine du mois de janvier dernier, c'est à peine si les deux cinquièmes de ce minimum ont été effectivement atteints.

Telles sont les conditions dans lesquelles se pose le problème du ravitaillement. Il a retenu il y a peu de temps l'attention de l'Assemblée et va certainement provoquer ici un nouvel échange de vues. En réalité, un nouveau système de ravitaillement a été mis en place depuis la libération. Le bilan est loin d'être satisfaisant. En toute objectivité, nous dirons qu'il pourrait être pire. La commission des finances a estimé qu'il serait imprudent d'interrompre l'effort d'organisation en cours, étant donné surtout qu'il s'agit d'un mécanisme dont le fonctionnement doit être assuré d'une manière continue. Pour ma part, ainsi que j'ai déjà eu l'occasion de l'indiquer à l'Assemblée, je n'ai pas voulu abandonner ce

cours de route des hommes dont j'avais apprécié, dès l'époque de la Résistance, le patriotisme, la compétence et le dévouement.

La commission a demandé et obtenu une réduction de crédit d'un million sur le chapitre 1er et une autre de 850.000 fr. sur le chapitre 6.

Dans l'ensemble, les dépenses prévues se rapportent aux postes suivants:

I. — Dépenses de personnel.

a) Personnel de l'administration centrale. Traitements, salaires, indemnités.

Les crédits demandés à ce titre correspondent à la rémunération du personnel nécessaire au fonctionnement de l'administration centrale dont l'organisation s'inspire essentiellement des principes suivants: concentrer les directions et confier à des services distincts la responsabilité d'une denrée, d'un groupe de denrées ou d'un groupe de questions, articuler l'administration de manière à préparer d'une part la disparition progressive des services qui ne survivront pas au rationnement et d'autre part le rattachement des services d'intérêt permanent au ministère dont ils relèveront directement dans l'avenir. Ce personnel comprend 755 agents appartenant au cadre du ministère du ravitaillement et 548 auxiliaires. Les crédits prévus s'appliquent aux traitements, salaires et indemnités, c'est-à-dire: indemnités de résidence, supplément familial, etc...

b) Personnel de l'inspection générale du ravitaillement. Traitements et indemnités.

Cette inspection générale, qui a la charge de toutes les investigations, enquêtes et vérifications à effectuer en vue de renseigner le ministre sur l'organisation et le fonctionnement des services extérieurs, comporte douze inspecteurs généraux et douze inspecteurs généraux adjoints. Les crédits prévus s'appliquent aux traitements et indemnités de ce personnel.

c) Personnel des services extérieurs du ravitaillement. Traitements, salaires, indemnités.

Le personnel des services extérieurs du ravitaillement est réparti d'une part entre 18 directions régionales, d'autre part entre 90 directions départementales en y comprenant la Corse et les départements recouvrés de l'Alsace et de la Lorraine et un certain nombre de directions de transit actuellement existantes dans les ports de Bordeaux, de Cherbourg, de Marseille, de Sète et, prochainement, de Dunkerque et de Nantes.

On trouve, dans les départements, du personnel de cadre et du personnel auxiliaire.

Le personnel de cadre comprend : un directeur, un directeur-adjoint, 6 à 8 chefs de section, 10 à 14 rédacteurs, 15 à 20 employés de bureau, des agents de contrôle, chefs de district principaux, chefs de district, commis de district et vérificateurs de la carte, au nombre d'une cinquantaine environ.

Le personnel auxiliaire est au nombre de 40 à 60 agents par département.

Les directions de transit ont une composition très variable suivant leurs besoins.

Quant aux directions générales, on y trouve en moyenne, en dehors du directeur régional et de son adjoint, 4 chefs de section, 5 rédacteurs, 4 employés de bureau et 5 auxiliaires.

Les crédits budgétaires de 1945 prévoient une augmentation d'effectifs due :

1° à la création des directeurs-adjoints, au nombre de 47;

2° A une augmentation du nombre des agents de cadre pour l'Alsace et la Lorraine;

3° à une augmentation du nombre des postes de rédacteurs, de chefs de district principaux, de chefs de district et de vérificateurs rendue nécessaire par application des différentes lois renforçant le pouvoir des directeurs départementaux en matière de collecte, en particulier : actes du gouvernement de fait du 24 mars 1944 sur le C.N.I.V., du 29 février 1944 sur la production laitière, du 29 mars 1944 sur les oléagineux, loi du 5 novembre 1943 relative aux amendes en matière de livraisons et de collecte des produits agricoles nécessaires au ravitaillement et loi du 29 avril 1944 définissant les pouvoirs des agents de contrôle en cette matière.

Il est signalé, en particulier, que le rôle des agents de contrôle est extrêmement important, car ils ont à représenter sur place le directeur départemental du ravitaillement général, à surveiller les opérations de collecte, à surveiller les enquêtes motivées par les défaillances de livraisons, à renseigner l'administration sur l'état d'esprit des campagnes et sur la participation qu'on peut en attendre pour la réalisation de chaque nature de denrées.

Ils doivent aussi assurer le contrôle des foires et marchés, délivrer les autorisations de transport, vérifier les approvisionnements de farine chez les boulangers, etc. Les augmentations d'effectifs proposées paraissent donc justifiées.

Le personnel des directions départementales comprend également les agents auxiliaires des services de répartition.

Ces services, qui ont été rattachés aux directions départementales, ont reçu des attributions autrefois dévolues aux comités consultatifs de répartition qui siégeaient auprès des préfets.

d) Comités centraux de ravitaillement. Traitements.

En vertu d'une ordonnance du 3 août 1944, les comités centraux sont placés sous l'autorité directe des services de l'administration centrale. C'est le directeur technique compétent de cette administration qui organise la collecte et la répartition et en assure l'exécution par l'intermédiaire des comités centraux. Chaque comité central est placé sous les ordres d'un directeur nommé par un décret et chargé de l'exécution des instructions données par l'administration centrale.

Au point de vue financier, les comités centraux continuent à recevoir, en fonction de leur budget approuvé, les ressources nécessaires à leur fonctionnement, sous forme de subvention allouée sur le budget du ravitaillement. L'économie financière de ces organismes reste sous l'autorité du service du contrôle administratif et financier des groupements.

II. — Dépenses de matériel:

Les crédits inscrits à cette partie correspondent aux frais de fonctionnement de l'administration centrale et des services extérieurs. On constate une augmentation sensible sur les crédits accordés en 1944, augmentation résultant notamment de l'accroissement du nombre des directions départementales et régionales, notamment par suite du retour de l'Alsace et de la Lorraine, du remplacement du matériel détruit par faits de guerre, de la réinstallation des directions sinistrées, de la hausse des prix.

III. — Charges sociales:

Sous cette rubrique sont prévues:

a) Les dépenses résultant de l'application aux agents du ministère du ravitaillement de la législation sur le code de la famille;

b) Les dépenses pour les œuvres sociales du ministère du ravitaillement, subventions aux cantines, popotes et restaurants du ministère à Paris et, en province, dans les grandes villes et les départements sinistrés, la Manche notamment, subventions à la société de secours mutuels, arbre de Noël pour les enfants des agents du ministère;

c) Les subventions allouées pour l'installation et le fonctionnement des restaurants sociaux, l'Etat prenant à sa charge la différence entre le prix réel des repas servis et le prix fixé pour chaque consommateur, compte tenu de sa situation de famille et de ses gains mensuels. Des restaurants fonctionnent à Paris, à Montpellier, à Reims, à Rouen et à Dijon.

IV. — Subventions:

Il s'agit des subventions aux départements et aux communes pour l'application des mesures de restriction. La distribution des cartes de rationnement entraîne des dépenses supplémentaires dans les départements. Ces dépenses sont couvertes par des subventions dont les taux viennent d'être fixés ainsi qu'il suit, par un arrêté du 6 janvier 1945.

Par carte délivrée:

Communes de 2.000 habitants: 4 fr.

Communes de 2.001 à 10.000 habitants: 6 fr.

Communes de 10.001 à 50.000 habitants: 9 fr.

Communes de 50.001 à 100.000 habitants: 14 fr.

Communes de plus de 100.000 habitants: 19 fr.

Lyon et Marseille: 25 fr.

Communes suburbaines de la Seine: 30 fr.

Paris: 45 fr

Départements: 0 fr. 60;

5° Dépenses diverses.

Cette partie comporte les crédits nécessaires aux réparations civiles et frais de justice résultant notamment des accidents du travail, à la confection et à la mise en place des titres de rationnement et enfin aux secours accordés aux divers personnels de l'administration du ravitaillement.

En ce qui concerne les subventions aux départements et aux communes, il convient de signaler qu'une lettre rectificative, qui nous est parvenue un peu tard, comporte une demande d'augmentation de crédits assez considérable pour tenir compte des relèvements de base modifiés par l'arrêté du 6 janvier 1945.

Mesdames, messieurs, en acceptant, lors de la discussion du collectif, le principe des crédits demandés pour le ravitaillement, tels qu'ils ont figuré à l'ordonnance du 8 décembre 1944, l'Assemblée a établi l'ensemble de la réorganisation en cours.

C'est par une coopération confiante entre les pouvoirs publics, les producteurs et les consommateurs que doit s'établir, à travers des difficultés qu'il ne convient pas de sous-estimer, un régime de collecte et de répartition aussi équitable que possible ayant pour principal objet, par conséquent, d'atténuer la détresse des masses laborieuses. (*Applaudissements.*)

M. le président. l'Assemblée voudra sans doute renvoyer la suite de la discussion à demain. (*Assentiment.*)

— 5 —

REGLEMENT DE L'ORDRE DU JOUR

M. le président. Je rappelle que, dans sa séance de mardi dernier, l'Assemblée a décidé de tenir séance demain vendredi pour terminer l'examen du budget du ravitaillement.

En conséquence, la prochaine séance publique aura lieu demain, à 15 heures, avec l'ordre du jour suivant:

Nomination de quatre membres de commissions;
Suite de la discussion du budget:
Ravitaillement (*suite*).
Agriculture;
Marine marchande;
Services de la santé publique;
Information.
Il n'y a pas d'observation ?...
L'ordre du jour est ainsi fixé.

— 6 —

DEPOT DE PROPOSITIONS DE RESOLUTION

M. le président. J'ai reçu de M. Hamon une proposition de résolution tendant à inviter le Gouvernement à prendre une ordonnance ayant pour objet de tenir compte aux instituteurs secrétaires de mairie, pour le calcul de leur pension de retraite, du traitement reçu par eux comme secrétaires de mairie.

La proposition de résolution sera imprimée sous le n° 330, distribuée, et renvoyée à la commission des finances.

J'ai reçu de M. Hamon une proposition de résolution tendant à inviter le Gouvernement à prendre une ordonnance ayant pour objet de modifier les règles applicables au cumul des traitements d'instituteurs et de secrétaires de mairie.

La proposition de résolution sera imprimée sous le n° 331, distribuée, et renvoyée à la commission des finances.

J'ai reçu de M. Hamon une proposition de résolution tendant à inviter le Gouvernement à prendre une ordonnance ayant pour objet d'instituer des commissions départementales paritaires, pour examiner les revendications du personnel communal.

La proposition de résolution sera imprimée sous le n° 332, distribuée, et renvoyée à la commission de l'intérieur et de la santé publique.

J'ai reçu de M. Hamon une proposition de résolution tendant à inviter le Gouvernement à prendre une ordonnance ayant pour objet d'instituer une commission paritaire centrale chargée d'examiner les revendications du personnel communal.

La proposition de résolution sera imprimée sous le n° 333, distribuée, et renvoyée à la commission de l'intérieur et de la santé publique.

— 7 —

DEPOT DE RAPPORTS

M. le président. J'ai reçu de M. Kriegel un rapport, fait au nom de la commission de la défense nationale, sur la proposition de résolution de M. Kriegel tendant à inviter le Gouvernement à organiser, suivant certains principes, l'intégration et l'utilisation dans l'armée des cadres issus des F. F. I.

Le rapport sera imprimé sous le n° 329 et distribué.

J'ai reçu de M. Pierre Parent un rapport, fait au nom de la commission du règlement, sur la proposition de résolution de MM. Monnerville, Emmanuel d'Astier de La Vigerie et Vincent Auriol tendant à la création d'une commission de coordination des affaires musulmanes.

Le rapport sera imprimé sous le n° 334 et distribué.

Personne ne demande la parole ?...
La séance est levée.

(*La séance est levée à dix-neuf heures quinze minutes.*)

Le Chef du service de la sténographie de l'Assemblée consultative provisoire,
GEORGES MEYER.

Erratum

au compte rendu in extenso *de la séance du 6 février* 1945.

Page 4, 1re colonne :

Rétablir comme suit le 8e alinéa :

« De M. Paul Verneyras, le rapport sur le budget annexe de la radiodiffusion française (n° 276) ».

Erratum

au compte rendu in extenso *de la séance du 8 février* 1945.

Page 53, 3e colonne :

Rétablir comme suit le 3e alinéa :

« J'ai reçu de M. Pierre Fayet et plusieurs de ses collègues... ».

(Le reste sans changement.)

Erratum

au compte rendu in extenso *de la séance du 13 février* 1945.

Page 58, 1re colonne :

DÉPOT DE PROPOSITIONS DE RÉSOLUTION

(Rappel.)

Rétablir comme suit le 4e alinéa :

« De M. Pierre Fayet et plusieurs de ses collègues... ».

(Le reste sans changement.)

Erratum

au compte rendu in extenso *de la séance du 20 février* 1945.

Page 124, 3e colonne, 37e ligne :

Au lieu de : « *M. André Marquis.* Voilà des actes! »,

Lire : « *M. André Marty.* Voilà des actes! »

Listes de jurés de la Haute Cour de justice

(deuxième rectification.)

(Application de l'article 3 de l'ordonnance du 18 novembre 1944.)

Conformément à la décision prise par l'Assemblée consultative provisoire dans sa séance du 20 décembre 1944:

1° Le groupe de la Résistance parlementaire propose les cinquante noms suivants pour figurer sur la première liste (sénateurs et députés en cours de mandat au 1er septembre 1939):

MM. Bèche, Bender, Charles Benoist, Bloncourt, Cabannes, Catalan, Chassaing, Chaussy, Collomp, Alfred Costes, Daroux, Dépierre, Delattre, Antoine Demusois, Dézarnaulds, Dupré, Armand Dupuis, Elmiger, Pétrus Faure, Grumbach, Guastavino, Amédée Guy, Hussel, Jules Julien, de La Grandière, Lecacheux, Lévy-Alphandéry, Lozeray, Mabrut, Marcel Michel, Monmousseau, Monnerville, Môquet, Musmeaux, Perfetti, Léon Perrier, Perrot, Albert Petit, Pierre-Bloch, Prot, René Renoult, Tony Révillon, Albert Rigal, Rous, Marc Rucart, Jammy Schmidt, Sion, Alphonse Tellier, Touchard, Urban.

2° La commission de la justice et de l'épuration propose les cinquante noms suivants pour figurer sur la deuxième liste (personnes choisies en dehors des catégories visées au paragraphe 1° ci-dessus):

Mme Lucie Aubrac, MM. Mohamed Bendjelloul, Marcel Bergeron, Guy de Boissoudy, Capocci, Cervin, Joseph Costa, Costes, Albert Darnal, Jean Debiesse, Mme Delaunay, MM. Maurice Desetages, Destouches, Germinal, Roger Gervolino, Maurice Guérin, Guy, Mme Halbwachs-Basch, MM. Pierre Hervé, Claude Hettier de Boislambert, Janin, Jurgensen, Maurice Kaouza, Jacques Lecompte-Boinet, Lenoir, Roger Lescuyer, Marcel Levêque, Loriguet, Henri Maillot, Pierre Meunier, Pascal Muselli, Navier, Mme Péri, M. Perney, Mme Germaine Picard-Moch, MM. Poireault, le docteur Por'cher, Georges Poupon, Robert Prigent, Jean Prontéau, Remodon, Robert-Pimienta, Roger, Lucien Roubaud, Henri Seignon, Pierre Stibbe, Gabriel Thierry, Valeriot, Venaire, René Vivier.

Nominations de rapporteurs.

INTÉRIEUR ET SANTÉ PUBLIQUE

M. Marrane a été nommé rapporteur de la demande d'avis sur le régime électoral provisoirement applicable au conseil municipal de Paris et au conseil général de la Seine (n° 312).

RÈGLEMENT

M. Pierre Parent a été nommé rapporteur de la proposition de résolution de MM. Monnerville, Emmanuel d'Astier de la Vigerie et Vincent Auriol tendant à la création d'une commission de coordination des affaires musulmanes (n° 221).

QUESTIONS ECRITES

REMISES AU SECRETARIAT GENERAL LE 22 FEVRIER 1945

Application des articles 42 et 43 du règlement ainsi conçus:

« *Art. 42. — Tout membre de l'Assemblée peut poser au Gouvernement, par écrit et par l'intermédiaire du président de l'Assemblée, une question sur un sujet d'ordre particulier à laquelle il sera répondu par écrit, sauf si l'auteur de la question demande une réponse orale et si le Gouvernement l'accepte.*

« *Un délai minimum de trois jours devra s'écouler entre la question et la réponse.*

« *Art. 43. — Les questions écrites doivent être rédigées en termes concis ne dépassant pas dix lignes et ne contenant aucune imputation d'ordre personnel à l'égard de tiers nominativement désignés.*

« *Elles doivent être remises au secrétariat général de l'Assemblée qui les communique au Gouvernement dans les formes prévues à l'article 70 du règlement.*

« *Celles des questions pour lesquelles il n'est pas demandé de réponse orale sont insérées à la suite du compte rendu* in extenso; *elles y sont à nouveau insérées avec les réponses écrites faites par les ministres intéressés* ».

EDUCATION NATIONALE

156. — 22 février 1945. — M. Paul Bacon signale à **M. le ministre de l'éducation nationale** qu'un certain nombre d'enfants intellectuellement arriérés ne peuvent pas trouver, ni dans les centres urbains, ni à la campagne, une éducation appropriée; et lui demande s'il lui serait possible d'indiquer quelle application a reçue la loi du 15 avril 1909, quels sont les départements qui ont fait usage de la possibilité que leur ouvrait cette loi, combien d'établissements spécialisés ont été créés, avec combien de maîtres et combien d'élèves, et s'il existe des écoles de formation pour la spécialisation des maîtres ainsi utilisés.

FINANCES

157. — 22 février 1945. — **M. André Colin** signale à **M. le ministre des finances** la situation des agents titulaires ou auxiliaires des administrations publiques qui vont être mobilisés, et qui n'ont pas encore fait le temps légal de service militaire, soit actuellement deux ans; — ces agents ne devraient percevoir aucun traitement jusqu'à ce qu'ils aient accompli ou achevé d'accomplir leur temps légal de service —; et lui demande s'il n'envisage pas d'aménager ces dispositions de telle façon que les chefs de famille puissent conserver leur traitement intégral, — indemnités pour charges de famille comprises, — pour que les célibataires ou mariés sans enfant puissent bénéficier d'une part de leur traitement, et pour que ces dispositions soient étendues à ceux qui désireraient s'engager.

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158. — 22 février 1945. — **M. Joseph Denais** demande à **M. le ministre des finances** si le montant des droits de succession afférents à un immeuble détruit par fait de guerre postérieurement au décès du *de cujus* et avant expiration des délais de déclaration doit être fixé sur la valeur supposée de l'immeuble au jour du décès ou établi ultérieurement lorsque les héritiers auront pris parti sur la reconstruction ou l'abandon de la faculté de reconstruire en sorte qu'il puisse être tenu compte des frais exposés par la succession.

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159. — 22 février 1945. — **M. Joseph Denais** demande à **M. le ministre des finances:** 1° si les bases du règlement des indemnités à allouer pour les réquisitions d'immeubles ou de locaux opérées au profit de l'armée américaine ou des services militaires américains y rattachés sont actuellement fixées et, dans l'affirmative, si lesdites indemnités seront calculées d'après les dispositions de la circulaire 98 R. A. du 25 mars 1942 applicables au règlement des réquisitions allemandes de même catégorie; 2° quelle est, en particulier pour Paris et les communes suburbaines du département de la Seine, l'autorité chargée de procéder à la détermination et à la liquidation des indemnités dont il s'agit; 3° si des acomptes provisionnels peuvent être versés, sur leur demande, aux prestataires intéressés, par analogie avec les dispositions arrêtées précédemment en faveur des prestataires de locaux réquisitionnés pour le logement ou le cantonnement des troupes allemandes d'occupation.

GUERRE

160. — 22 février 1945. — **M. Roger Roucaute** demande à **M. le ministre de la guerre** si, en prévision du droit de vote qu'une récente décision du conseil des ministres a accordé aux militaires, ces derniers ont le droit de lire et de recevoir les journaux légaux de leur choix et si des instructions ont été données dans ce sens aux commandants d'unités et de régions militaires.

RECONSTRUCTION ET URBANISME

161. — 22 février 1945. — **M. André Colin** signale à **M. le ministre de la reconstruction et de l'urbanisme** que certains doubles sinistrés, l'ayant été une première fois au moment de la bataille de France en 1940 et une deuxième fois au moment de la bataille de la libération en 1944, n'ont encore reçu aucune espèce d'indemnité pour leurs dommages de guerre de 1940 et lui demande s'il ne serait pas possible d'envisager pour leur cas une sorte de priorité.

TRAVAUX PUBLICS ET TRANSPORTS

162. — 22 février 1945. — **M. René Nicod** signale à **M. le ministre des travaux publics et des transports** l'utilité qu'il y aurait à faire procéder au plus tôt à la reconstruction du viaduc de Cize-Bolozon, sur la ligne de Bourg à Bellegarde, desservant la région industrielle d'Oyonnax et de Saint-Claude, privée à l'heure actuelle de toute relation avec la Bresse, centre normal d'approvisionnement de cette région, et demande si, en attendant la reconstruction de cet ouvrage d'art, la circulation ferroviaire entre Bourg et la Cluse, en prévoyant un transbordement des voyageurs entre les gares de Cize-Bolozon et Simandre-sur-Suran, ne pourrait être rétablie.

ANNEXE AU PROCES-VERBAL

DE LA

séance du jeudi 22 février 1945.

SCRUTIN (N° 19)

Sur l'amendement de M. Blocq-Mascart tendant à réserver le chapitre 1er du ministère de la justice.

Nombre de votants..... 177
Majorité absolue..... 89

Pour l'adoption..... 165
Contre 12

L'Assemblée consultative provisoire a adopté.

Ont voté pour:

MM.
Paul Anxionnaz.
Emmanuel d'Astier de La Vigerie.
Mme Aubrac.
Paul Aurange.
Vincent Auriol.
Antoine Avinin.
Paul Bacon.
Paul Bastid.
Albert Bayet.
Joanny Berlioz.
Robert Bine.
Birien.
Maxime Blocq-Mascart.
Guy de Boissoudy.
Florimond Bonte.
Paul Boulet.
Jean Bourgoin.
Albert Bouzanquet.
Mme Braun.
Mme Brossolette.
Georges Bruguier.
Robert Bruyneel.
Pierre Bugeaud.
Marcel Cachin.
R. P. Anselme Carrière.
Casanova.
Jules Catoire.
De Chambrun.
Auguste Champetier de Ribes.
Maurice Chevance.
Choisnel.
Georges Cogniot.
André Colin.
Pascal Copeau.
Pierre Cot.
Mme Couette.
Ambroise Croizat.
Dassonville.
Debidour.
Jean Debiesse.
Jacques Debû-Bridel.
Pierre Degon.
Mme Delaunay.
Maurice Delom-Sorbé.
Edouard Depreux.
Maurice Desetages.
Dordain.
Jacques Duclos.
Jean Dulac.
Dupuy.
Just Evrard.
Etienne Fajon.
René Fallas.
Jean Fauconnet.
Pierre Fayet.
Léopold Figuères.
Forgues.
Edouard Froment.
Pierre Gauthier.
Francisque Gay.
Germinal.
Auguste Gillot.
Jean Ginas.
Henri Gout.
Fernand Grenier.
Louis Gros.
Maurice Guerin.
Pierre Guillery.
Raymond Guyot.
Hamon.
André Hauriou.
Pierre Hervé.
André Honnorat.
Georges Izard.
Alexis Jaubert.
Alphonse Juge.
Jean Jurgensen.
Max Juvenal.
Maurice Kriegel.
Laboureur.
François Labrousse.
Joseph Laniel.
René Laurin.
Léon Lauvray.
Albert Le Bail.
Pierre Le Brun.
Jacques Lecompte-Boinet.
Robert Lecourt.
Mme Lefaucheux.
Jean Lepine.
André Le Troquer.
Marcel Lévêque.
René Malbrant.
Gaston Manent.
Marrane.
Martel.
André Marty.
Daniel Mayer.
Jean-Jacques Mayoux.
André Mercier.
Jean Meunier.
Pierre Meunier.
Gaston Monmousseau.
Monnerville.
Maurice Montel.
Pascal Muselli.
André Mutter.
Robert Nisse.
Louis Noguères.
Etienne Nouveau.
Georges Oudard.
Ouradou.
André Pailllieux.
Pierre Parent.
Bernard Paumier.
Mme Péri.
Perney.
Francis Perrin.
Eugène Petit.
André Philip.
R. P. Philippe.
Jean Pierre-Bloch.
Marcel Plaisant.
Marcel Poimbœuf.
Robert Prigent.
Jean Pronteau.
Prouve.
Arthur Ramette.
Jacques Rebeyrol.
Henri Ribière.
Waldeck Rochet.
Camille Rolland.
Jean-Louis Rolland.
Lucien Roubaud.
Roucaute.
Emmanuel Roy.
Marc Rucart.
Pierre Ruhlmann.
André Sainte-Laguë.
Robert Salmon.
Savary.
Maurice Schumann.
Schwob.
Henri Seignon.
Henry Sénès.
Philippe Serre.
Paul Simon.
Steeg.
Pierre Stibbe.
Gaston Tessier.
Jean Texcier.
Maurice Thorez.
René Thuillier.
Tollet.
Paul Tubert.
Paul Valentino.
Georges Vankemmel.
Alexandre Varenne.
Robert Verdier.
Paul Verneyras.
Michaël de Villèle.
Pierre Villon.
Mme Viénot.
René Vivier.
Alexis Wiltzer.

Ont voté contre:

MM.
Joseph Bastide.
André Baud.
Joseph Denais.
Bernard de La Groudière.
Jean Guiter.
Paul Ihuel.
Pierre Lebon.
René Louis.
Louis Marin.
Pierre Neumeyer.
Robert-Pimienta.
Jules Wolff.

N'ont pas pris part au vote:

MM.
José Aboulker.
Marcel Astier.
Jean-Fernand Audeguil
Jacques Baumel.
Mohamed Bendjelloul.
Jacques Benet.
Bergeron.
Aristide Blank.
Félix Boillot.
Bosman Van Wolput.
Guy de Boysson.
Georges Buisson.
Chaumié.
Joseph Costa.
Paul Cuttoli.
Jean Dechartre.
Gaston Defferre.
Mme Defferre.
Marcel Degliame.
Roger Deniau.
Desmeroux.
Gustave Eychene.
Paul Fleurot.
Benoît Frachon.
Etienne Gagnaire.
Albert Gazier.
Roger Gervolino.
Arthur Giovoni.
Justin Godart.
Albert Guerin.
Hettier de Boislambert.
André Isoré.
Maurice Kaouza.
Charles Laurent.
Joseph Lecacheux.
Henri Maillot.
Pierre Malafosse.
Robert Mauger.
Mazé.
Jean Mendiondou.
Jules Moch.
Edmond Naegelen.
René Nicod.
Jean Odin.
Paul-Boncour.
Perrier.
Mme Ramart.
Auguste Rencurel.
Mme Simard.
Gaston Thiébaut.
Jean-Jacques Urban.
Mme Marianne Verger.
Philippe Viannay.
Jean de Voguë.
Henri Wallon.
Joseph Zaksas.
Deiva Zivarattinam.

Absents par congé:

MM.
Raymond Blanc.
Laurent Bonnevay.
Robert Chambeiron.
Albert Darnal.
Ely Manel Fall.
Joseph Girot.
Georges Gorse.
Pierre-Olivier Lapie.
Peeters.
Louis Saillant.
Pierre Tremintin.
Zunino.

N'a pas pris part au vote:

M. Félix Gouin, président de l'Assemblée consultative provisoire, qui présidait la séance.

Les nombres annoncés en séance avaient été de:

Nombre de votants..... 183
Majorité absolue..... 92

Pour l'adoption..... 169
Contre 14

Mais, après vérification, ces nombres ont été rectifiés conformément à la liste de scrutin ci-dessus.

Paris. — Imp. des Journaux officiels, 31, quai Voltaire.

E2

1945

Z

FRANCE

Z 4177 102

2 APR 1945

Z Registry Number } Z 4177/255/17.

TELEGRAM FROM Mr. Duff Cooper, Paris.

No. 165 saving.

Dated 21st March,

Received in Registry } 30th March, 1945.

Z: France.

Proceedings against Marshal Pétain

Refers to Paris telegram No. 150 saving (Z 3791/255/17) and reports that proceedings have been opened against Marshal Pétain, who will be tried in absentia. The process of such a trial is described, and it is added that General Dentz will probably be tried on 17th April.

Last Paper.

Z 4405 (Z 3791)

References.

(Print.)

(How disposed of.)

(Action completed.)

9/4

(Index.)

14/12/46

Next Paper.

(Z 4674)

Z 4357/4

(Minutes.)

In view of the facts that even on the most pessimistic estimate organized resistance in Germany shd. be over in a few weeks and the person of Pétain and members of his entourage in Allied hands, it wd. surely be better not to hold the trial until Pétain can be put in the dock.

H. Shepherd 7/4

J. M. Sprawls 7/4

Sorry. JM 7.4

22175 2 41 F.O.P.

Z 4177
2 APR 1945

[EN CLAIR] GENERAL DISTRIBUTION.

FROM PARIS TO FOREIGN OFFICE.

Mr. Duff Cooper.
No. 165 Saving.
31st March 1945.

D. 31st March 1945.
R. 2.15 p.m. 1st April 1945.

FFFFF

My telegram No. 150 Saving.

Press of 28th March contains a statement issued by Agence Française de Presse, to the effect that proceedings have now been opened against the "Chef de l'Etat Français". According to this statement, the prosecution is to be based primarily on written evidence, notably documents seized at the Hotel du Parc at Vichy and in the Marshal's trunk. Pétain will probably be charged with endangering both the external and internal security of the State.

2. Until the case is referred to the High Court of Justice, witnesses for the prosecution, including important civil servants, diplomats and politicians, will be heard by the Examining Commission. Since, however, the Marshal is to be tried in absentia, no witnesses either for the prosecution or the defence will be heard during the trial itself. The A.F.P. statement suggests that the charge will be read at the trial and that the Public Prosecutor, M. Mornet, may state the case for the prosecution. The High Court will then give their verdict.

3. On the question whether, if Pétain later falls into the hands of French justice, a new trial will have to be held, the A.F.P. states that in principle, a condemnation in absentia can only be disputed if it is possible for the accused to prove that his absence was due to force majeure. If Pétain's presence at Sigmaringen were considered to be due to force majeure, the verdict of the High Court would be quashed, and a new trial would have to take place in the presence of the accused.

4. The press also announces that the case of General Dentz will probably come before the High Court on the 17th April.

APR 1944 F.O. REGISTRY

1945	WESTERN	Z 4357 /G 104 6 APR 1945

Z 4357/255/G.14

Mr Duff Cooper
Paris
to Mr Harvey.
559/12/45
Dated 1 April
Received 6 April.

Alleged Petain - Churchill agreement

Refs to his telel of 8 March (Z 2766/255/G)
Encloses ~~copy of~~ extract from "L'ordre" of March 29 giving further publicity to the Agreement in question.

Last Paper.

Z 3956

References.

Z 3955/255/G.

(Print.)

(How disposed of.)

(Minutes.)

H. J. Simpson 7/4

pres 7/4

(Action completed.)	(Index.)
D.F 9/4	

Next Paper.

Z 4952

S/3

2

G-W
Z 4354 / G
6 APR 1945

BRITISH EMBASSY,
PARIS.

105

559/12/45.

1st April, 1945.

My dear Oliver

Z 2466/255/15

My letter of March 8th about the alleged Pétain-Churchill Agreement.

I enclose herein an extract from "L'Ordre" of March 29th giving further publicity to the Agreement in question, although it is emphasised that its authenticity has been denied by the Foreign Office. It is more than likely that use may be made of the alleged Agreement, when Pétain is tried 'in absentia', about which we are reporting separately. In any case it is clear from your telegram No. 289 Saving that you are ready for all eventualities.

Yours ever

Duff Cooper

O.C. Harvey, Esq., C.B., C.M.G.,

Foreign Office.

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106.

L'Ordre March 29th 1945.

Avant le procès du maréchal Pétain

Le TEXTE du SOI-DISANT ACCORD de 1940, entre Londres et Vichy

Nous sommes en mesure de publier le texte du soi-disant accord conclu aux dires de certains Vichyssois entre M. Winston Churchill et le maréchal Pétain. On connaît le thème. Cet accord aurait été rédigé à Londres au Foreign Office du 24 au 28 octobre 1940 par un envoyé de Pétain et M. Strang. Le maréchal Pétain en aurait reçu communication le 10 novembre 1940 et l'aurait ratifié le 11 novembre, selon une procédure convenue d'avance, et par l'intermédiaire de notre poste diplomatique de Madrid ; il aurait enfin été confirmé par un télégramme du Foreign Office en date du 21 novembre sous couvert du Consulat général de Grande-Bretagne à Genève. La fable est audacieuse, comme on voit, et l'on comprend le parti qu'en peuvent tirer les Vichyssois. Voici, d'après eux, le texte de cet accord formellement démenti par le Foreign Office :

ENGAGEMENTS DE LA GRANDE-BRETAGNE A L'EGARD DE LA FRANCE

A) La Grande-Bretagne rétablira dans son intégrité et sa souveraineté la France si elle ne fait rien pour aider la victoire des totalitaires, et, a fortiori, si elle contribue à la victoire britannique.

B) Au cas où le Gouvernement français céderait des bases aériennes et navales aux totalitaires, la Grande-Bretagne ne répondrait plus du sort futur de la France et de son empire.

ATTENUATION DU BLOCUS

1°) Le Gouvernement britannique assimilera à du cabotage qui ne tombe pas sous le blocus le transport des denrées coloniales de Dakar, de Casablanca et des ports nord-africains aux ports de Provence.

2e) Le Gouvernement anglais enverra à Madrid un expert économique français au sujet d'échanges éventuels avec le Maroc.

ACCORD SUR LE STATUT DES COLONIES FRANÇAISES DEMEURÉES FIDÈLES A VICHY

1e) Le Gouvernement anglais s'engage à ne plus chercher à prendre par la force ou à débaucher par la propagande les colonies françaises demeurées fidèles à Vichy.

2e) Toute agression anglaise contre les colonies françaises sera repoussée par les armes, pour éviter la défense conjointe par l'axe desdites colonies, ce qui équivaudrait à céder à l'axe les colonies françaises et leurs bases.

ACCORD SUR LA RADIO

La radio britannique s'abstiendra de toute critique à l'égard de la personne du chef de l'Etat français, le maréchal Pétain.

ENGAGEMENTS DE LA FRANCE CONCERNANT LES COLONIES ET LES BASES

1e) Le Gouvernement français s'engage à ne pas chercher à reprendre par la force les colonies passées à de Gaulle.

2°) Le Gouvernement français s'engage à ne pas céder à l'Axe [illegible] les ports de Provence, ni les bases de l'Afrique du Nord, du Maroc, de l'Afrique Occidentale.

3e) Le Gouvernement français remettra l'empire dans la guerre le jour où les Anglais et leurs alliés éventuels auront fait la preuve de leur force et seront à même de débarquer en nombre et d'équiper les troupes coloniales françaises, privées actuellement de munitions, de matériel lourd, de D.C.A., de canons anti-chars et de moyens de locomotion.

ENGAGEMENT SPECIAL CONCERNANT LA FLOTTE

Le Gouvernement français, conformément aux assurances solennelles qu'il a déjà données à plusieurs reprises au Gouvernement britannique, s'engage à saborder les unités de sa flotte plutôt que de les laisser tomber aux mains des Allemands et des Italiens. Des ordres, annulant tous les ordres antérieurs, ont été donnés à tous les commandants dans ce sens.

44

1945

Z

FRANCE

Z 4399
7 APR 1945
107

Registry Number Z 4399/255/17

FROM Foreign Office
Minute Mr. F.L. Speaight.
No.

Dated
Received in Registry 4th April, 7th April, 1945.

Z : France. -

Renewed United States press interest in alleged British pact with Pétain.

Reuter's reported messages from the United States on 28th March indicating that the Hearst press was still showing interest in the story of the alleged pact with Pétain. Attaches Reuter report compiled after information was obtained from the News Department who suggest that an official statement ought to be made. The desirability of this is discussed, but in any case it would be necessary to wait until 10th April if the Parliamentary Question were contemplated.

Last Paper.

Z4357(22966)

References.

(Print.)

(How disposed of.)

Mr. Sabaroudenn

(Minutes.)

See within

I don't think that there has been anything further in the press about this

D.S.Fuchs 11/4.

Mins 10/4

(Action completed.)

(Index.)

14/12/46

Next Paper.

24669

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Nothing to be Written in this Margin.

108

Reuters on Good Friday carried messages from the United States indicating that the Hearst press was again showing interest in the story of the alleged pact with Pétain. Reuters' diplomatic correspondent approached the News Department, who explained the position to him on the lines of the information which I had given them when the question came up before. The result is the attached message put out by Reuters in London. The News Department have suggested that this renewed interest in the story makes it desirable after all for us to make some official statement. The position is that the Department had prepared a draft Parliamentary Question and Answer, but that since public interest in the matter seemed to have died down the Secretary of State preferred to let sleeping dogs lie. I doubt if we need ask the Secretary of State to reconsider his decision yet. I have seen nothing more in the British press and it will be for Lord Halifax to raise the matter if he considers that renewed publicity in the United States press makes a statement desirable. In any case, we should have to wait until Parliament reassembles on April 10th for it would be scarcely appropriate to make a statement on the lines indicated except in Parliament.

Z 4399
7 APR 1945

R.L. Speaight

4th April, 1945.

I think we might wait
till there is any more
comment in the newspapers.

4.4

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Nothing to be Written in this Margin.

108 ends

Reuters on Good Friday carried messages from the United States indicating that the Hearst press was again showing interest in the story of the alleged pact with Pétain. Reuters' diplomatic correspondent approached the News Department, who explained the position to him on the lines of the information which I had given them when the question came up before. The result is the attached message put out by Reuters in London. The News Department have suggested that this renewed interest in the story makes it desirable after all for us to make some official statement. The position is that the Department had prepared a draft Parliamentary Question and Answer, but that since public interest in the matter seemed to have died down the Secretary of State preferred to let sleeping dogs lie. I doubt if we need ask the Secretary of State to reconsider his decision yet. I have seen nothing more in the British press and it will be for Lord Halifax to raise the matter if he considers that renewed publicity in the United States press makes a statement desirable. In any case, we should have to wait until Parliament reassembles on April 10th for it would be scarcely appropriate to make a statement on the lines indicated except in Parliament.

Z 4399
7 APR 1945

R. Speaight

4th April, 1945.

I think we might wait
till we see if there is any more
comment in the newspapers.

A.E.

4.4

COPYRIGHT - NOT TO BE REPRODUCED PHOTOGRAPHICALLY WITHOUT PERMISSION

FRENCH

NO AGREEMENT WITH PETAIN -OFFICIAL

OFFICIAL BRITISH QUARTRS TONIGHT DENIED A SUGGESTION MADE IN A HEARST NEWSPAPER IN T U S TT T BRITISH GOVT ENTERED INTO A PACT WI MARSHAL PETAIN IN OCTOBER AND NOVEMBER 1940, WRITES REUTERS DIPLOMATIC CORRES.

ACCORDG TO T REPORT DOCUMENTS RELATING TO AGREEMENTS ALLEGED TO HV BN CONCLUDED AT TT TIME MAY BE PRODUCED AS EVIDENCE IN IN T FORTHCOMG TRIAL IN PARIS O PIERRE ETIENNE FLANDIN, WHO TOOOK OFFICE AS FOREIGN MINR UNDER PETAIN SHORTLY AFTER T DATE O T ALLEGED SIGNATURE O AN AGREEMENT.

IT IS AUTTORITATIVELY AND CATEGORICALLY STATED IN OFFICIAL QUARTRS HERE TODAY TT H M GOVT AT NO TIME GAVE ANY PLEDGE OR AGREEMENT EITHER TO T VICHY GOVT OR TO MARSHAL PETAIN.

IT IS POINTED OUT TT WHILE T COMPETENT BRITISH AUTHORITIES WR NATURALLY AT ALL TIMES INTERESTED TO DISCOVER T REAL INTENTNS O VICHY, AND TO WHAT EXTENT IF AT ALL PETAIN WS PREPARED TO MINIMISE T HINDRANCE TO T BRITISH WAR EFFORT WH T CONTROL O FRANCE BY GERMANY REPRESENTED, NO STEPS TAKEN TO OBTAIN SUCH INFORMATN INVOLVED TAKING ANY COMMITMENT TOWDS VICHY OR SINGING ANY AGREEMENT WI HER REPRESENTATIVES. REUTER END - 2007

E5

110

Z

1945

FRANCE

Z 4669
13 APR 1945

Registry Number. Z 4669/255/17

FROM Mr. Trevor Cox, to Mr. R. Law.

No.

Dated 10th Apr. 1945.

Received in Registry 13th Apr. 1945.

Z : France.

Lieutenant Febvre's request for assistance in securing his release from imprisonment in France.

Encloses letter in original from Lietuenant Febvre who has been arrested in France and who asks for help in securing his release.

Gives details of this officer, who is believed to have been a German agent.

Last Paper.

Z4399

References.

(Print.)

(How disposed of.)

(Minutes.)

Mr Trevor Cox does not seem to require a reply and as we need not volunteer any info. we may have to (unless they ask for it) about Lt. Febvre, ? X

Y.S. 14/4

Mr D. J. Hall 16/4.

(Action completed.)	(Index.)
17/4	11/12/46

Next Paper.

24674

Ackd 11/4.

Secret 4669

Dept of State
APR 5 1945

111

I enclose a letter from a Lt. Fcbbe, who was with the French mission attached to the H.Q. when O was in France in 39 & 40 until the retreat in June 1940.

This French officer was in our mess. He was most popular as he was very pessimistic & defeatist.

Colonel Sorley, (Movement Control), tells me later that there

-here until some time from February
-from a German agent.

You might be
able to send us
to the French 117
on this topic, this information,
available in London, which
about February, which
may help them.

However, they
probably know what
to do with him
in any case!

Yours sincerely,

W. B. Yeats

P.S. - address:

31. Rue h. Besquel
Vincennes (Seine) 21st January 1945

Dear Mr. Trevor Cox, 113.

You will surely remember me when I remind you that I was with you in Marseille in the first part of the year 1940. I was attached to the FSPO as liaison officer. We did not then think that the war would be so long, so ferocious & so bloody, and that our countries would go through so much suffering.

In July 1940, I was recalled from Toulouse to Paris. Before leaving Toulouse I wrote to you to inform you that I was willing to help your country. In 1942, I wrote to you once more Via Spain with the same object in view. But I never had a reply, nor did I receive instructions. Perhaps my letters never reached you. So I staid in Paris where I am a commissioner of Police

1945

Z

FRANCE

FRANCE

Z 4674

13 APR 1945

115

Registry Number Z 4674/255/17

FROM Mr. C.Norton, Berne, to Mr. F.K. Hoyer Millar.

No CONFIDENTIAL 235/1/45

Dated 4th Apr.1945.

Received in Registry 13th Apr.1945.

Z : France.

Proposal to send Marshal Pétain to Switzerland.

Among other matters with which the Western Department will now deal, mentions a conversation with Walter Stucki, during which he stated that both Marshal Pétain and General de Gaulle had suggested that the Swiss Government should arrange if possible for the former to be brought to Switzerland. He replied that the matter was too delicate to be dealt with in a semi-official way. He mentioned also his impression that Laval would try to reach Moscow.

Last Paper.

Z4669

References.

Z4676/328/9
Z5191/255/9

(Print.)

(How disposed of.)

Copy Mr. Holman, Paris (Comps Rhs) May 11

(Minutes.)

It is difficult to believe that Gen. de Gaulle can ever have made the suggestion that the Swiss should take in Pétain.

The last para. is quite incredible.

F.K. Simpson 14/4

Lord R 17/5.
Lord Reading 18/5
Northern Dept. We might copy to Mr. Holman & ask him if he can throw any light.

R.H. Sparks 14/4

The last paragraph certainly seems rather hard to believe, but the second paragraph must surely be true or else M. Stucki would hardly have spoken so definitely to Mr. Norton. It would rather look from this as if the French Government were anxious to escape from the possibility of having to put Pétain on trial, if and when he is discovered by the forces in Germany. It will be interesting to see whether, in

/view

(Action completed.)

J.A. 20/5

(Index.)

A.J. 17/5/45

Next Paper.

Z4740

~~(Z4676)~~

view of M. Stucki's attitude, the French Government decide to pursue the matter officially or whether they will let it drop. If the French do press the matter it may put the Swiss Government in rather an awkward position, as they may feel that if they let Pétain in they will expose themselves to similar demands on behalf of people like Mussolini.

H.D.

April 16th 1945.

I agree. It will also expose [illegible] Swiss attitude to Swiss accusations.

However, this is a matter between the French & Swiss -- but it might lead to a request for extradition.

16/iv

See action re Z4676.

18.4.

235/1/45

Confidential

Z 4674

13 APR 1945

BRITISH LEGATION,
BERNE,
4th April, 1945.

My dear Denis,

I am delighted to see from the March List that you have taken over the new Western Department which covers so many of the countries with which we here in Switzerland are in fairly close touch. It will enable me occasionally to drop you a line on minor matters which you will at your discretion think worth telling Oliver Harvey about.

For instance, Walter Stucki, whose special position at Vichy during the Pétain régime is well known, told me yesterday that he had received both from Pétain and from de Gaulle, a suggestion that the Swiss Government might well try to arrange for the Marshal to be brought to Switzerland. Stucki has replied that while he did not consider Pétain to be a war criminal, the matter was too delicate to be dealt with in a semi-official way and he would do nothing unless he was officially approached.

Further, he had some reason to think that Laval might make an effort to get to Moscow. This sounds quite dotty, but Stucki asserts that during a visit to Moscow some years ago Laval had got the impression that Stalin had appreciated his peculiar qualities.

Yours ever
Clifford Norton.

F.R. Hoyer Millar, Esq., C.M.G., C.V.O.,
Foreign Office.

PUBLIC RECORD OFFICE

Group ..... FO .....

Class ..... 371 .....

Piece ..... 49140 .....

Following document(s) retained in the

Department of origin under Section 3 (4)

of the Public Records Act, 1958

Z 4740 / 255 / 17

48

Z

1945

FRANCE

Z 4764
16 APR

119

Registry Number: Z 4764/255/17

TELEGRAM FROM
Mr. Duff Cooper,
Paris.

No. 192 (Saving)
10th April:1945

Dated 14th April:1945

Received in Registry
Z : France. +

Arrest of members of the Parti Populaire Francais

The French Press Agency reported on 4th April the arrest of 17 members of the Parti Populaire Francais, by the Sûreté Nationale, for subversive activities. On 10th April reference was made to further arrests, including Ministry officials. The Air Ministry denied that those arrested belonged to the Ministry and it was found that they carried false documents. Adds that the Left and Resistance Press have exaggerated the importance of the affairs.

Last Paper.

Z4740

References.

(Print.)

(How disposed of.)

(Minutes.)

The P.P.F., which was largely recruited from dubious elements in the population and financed by the Germans, has no future in French politics and the French police will doubtless succeed in keeping the "fascists" would-be lawbreakers under control.

H. Simpson 19/4

JM
19.4

(Action completed.)

19/4

(Index.)

11/12/46

Next Paper.

Z4783

120

2

[EN CLAIR] GENERAL DISTRIBUTION

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper D. By bag April 14th, 1945.
No. 192 Saving R. 3.05 p.m. April 15th, 1945.

April 14th, 1945.

Repeated to Lyons,
Marseilles,
Nice,
Bordeaux as Circular No. 2.

Z 4764

b b b b

A statement issued on April 4th by the French Press Agency announced that the Sûreté Nationale had recently arrested 17 members of the Parti Populaire Français in Paris. It was affirmed that they had been in touch with the French quislings at Sigmaringen, and that they were in possession of a large sum of money and a quantity of arms. They were the nucleus of an organisation formed after a meeting of former P.P.F. leaders in Paris on March 2nd 1945, at which it was decided to reconstitute the P.P.F. under cover of a new overt political party entitled "Parti Français d'Action Socialiste". The leader was Jean Amedée, who recently took over command of the clandestine remnants of the P.P.F. in France after the death of Doriot in Germany. He is among those arrested. Their aim was to build up a subversive organisation throughout the country founded on former P.P.F. elements in Marseilles and in Paris, whose object would be to pass information to the enemy, to spread disorder and to organise the assassination of certain French public figures.

2. On April 10th the press published vague references to further arrests, including two officials of an un-named Ministry, who, it was alleged, had been charged with incitement to desertion. These references provoked the French Air Ministry to issue a communiqué stating that the culprits were not officials of that Department, but carried false papers giving them the identity of officers in the F.F.I. and in the Air Force. The press of April 11th announces the arrest of a man dressed as an Air Force Lieutenant, who confessed immediately to being in fact an artillery sergeant. The car which he was driving contained a number of firearms and leaflets inciting the people to intercept food convoys and themselves to take over food distribution. Other leaflets called upon former members of the F.T.P. to take to the Maquis again since the revolution had failed. 6 others were subsequently arrested. All were minor employees of the Air Ministry, who were deeply involved in the Black Market.

3. The above are the facts as they appear in the dossiers of the Sûreté Nationale. They have been elaborately embroidered by the Left and the Resistance press, who have grossly exaggerated the importance of the cases in order to further their own political ends by exploiting the Fifth Column bogey. Study of the dossiers of the two cases shows that they are not connected in any way with each other, and that neither can be classed as a serious conspiracy.

APR 16 1945 F.O. REGISTRY

120

2

[EN CLAIR] GENERAL DISTRIBUTION

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper D. By bag April 14th, 1945.
No. 192 Saving R. 5.05 p.m. April 15th, 1945.

April 14th, 1945.

Repeated to Lyons,
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Nice,
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APR 16 1945 F.O. REGISTRY

49

1945

Z

FRANCE

Z 4783

12 APR 1945

121

Registry Number } Z 4783/255/17

FROM Mr.S.H.Gudgeon British Consulate, Lisbon, to Mr.G.C. Allchin.

No.

Dated 603/45 SHG/MS (117)

Received in Registry } 31st Mar. 16th Apr. 1945

Z: France

Request for testimony to Monsieur Carles' pro-British activities.

Monsieur Fernand Carles, Prefect of the Nord Department, has been arrested. His daughter called at the Consular Section of the British Embassy at Paris with various testimonials to Monsieur Carles' pro-British attitude, including a personal letter from Mr. Gudgeon to Madame Carles. Monsieur Huber, the Swiss Consul at Lille, also wrote to Mr. Gudgeon on 14th February (copy attached) to enlist his sympathy. Encloses two letters, dated 27th March, to Madame Carles and Monsieur Huber, for transmission if agreed. They contain incontrovertible facts about Monsieur Carles, and Mr. Gudgeon would like to know Foreign Office's decision in order that the letters to him may in any case be acknowledged.

(Minutes.)

Be written

Last Paper.

Z4764

References.

(Print.)

(How disposed of.)

Off | Paris No. 587
✓ April 16
Copy Mr. Gudgeon (copies Mr. Allchin)
✓ April 19.

(Action completed.)

(Index.)

11/12/46

Next Paper.

Z4952/9

29082 F.O.P.

Nothing to be Written in this Margin.

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Archer

M. Carlos

M. Gudgeon letter 7 March 31

7. Cop Paris will let Mr Ross letters as enquired for delivery unless objection is seen — cop M. Gudgeon.

GA 9/4.

Mr. Ross 9.4

Woolcombe Boyle

(Mr Appleyard)

No objection (perhaps they'd be enclosed Z a/c) Mrs 10/4

(603/45)
SHG/MS

Z 4783
15 APR 1945

British Consulate-General,
LISBON.

1st March, 1945.

Dear Godfrey, R.A.9.

Monsieur Fernand Carles, the Préfet of the Département du Nord, when I was at Lille, has been under arrest there as a collaborator since the 2nd September, 1944.

2. His daughter called recently on the Consular Section of the Embassy in Paris armed with a letter of introduction to them from Monsieur F. Huber, the Swiss Consul at Lille. She took with her a large number of testimonials from various people certifying to the assistance which her father had rendered British as well as French nationals during the period of occupation. Included among these testimonials was a personal letter to me from the wife of the Préfet. The daughter said that she was anxious to enlist my sympathy. She was given an appropriate reply, and all this was communicated to me in a letter from the Consular Section in question dated the 24th February last (BCM/MLC. 25c/58/1945). (K Dean says this was not covered by Paris consular Section)

3. At about the same time I received a letter on the subject from the Swiss Consul, referred to above, who was my colleague while I was at Lille. I enclose a copy of his letter as he gives an account which is naturally less biased than any that would be furnished by Madame Carles, the wife of the Préfet.

4. During my tenure of office at Lille the Préfet was most helpful in every way and we were on the closest terms, both officially and personally. I am therefore particularly anxious to assist him, but I fully realise the difficulties in the way. I have, of course, refrained from communicating direct either with the Carles family or even with the Swiss Consul at Lille. I have, however, thought the Foreign Office might consent to my trying to render assistance by accepting, for transmission to Madame Carles, through the Swiss Consul at Lille, a personal letter from me addressed to her containing a number of incontrovertible facts. The letter in question is covered by a covering letter to Monsieur Huber and I enclose both of them in the hope that you will be good enough to do your utmost to agree to sending them on. Will you please in any case communicate your decision to me as I should not like a number of weeks to elapse without my even acknowledging the receipt of either the letter from Madame Carles or the Swiss Consul.

Yours ever,

G. C. Allchin, Esq., C.M.G., M.C.,
Foreign Office,
LONDON, S. W. 1.

Personnelle.-

Consulat-Général Britannique

Lisbonne, le 27 Mars 1945.

Mon Cher Ami,

J'ai été particulièrement heureux de recevoir, tout récemment, votre lettre du 14 Février qui contenait à la fois de si joyeuses nouvelles et une si triste communication. Par celle-ci je veux dire la nouvelle, qui me paraît encore incroyable, que Monsieur Fernand Carles, ancien Préfet du Nord, avait été emprisonné pour collaboration avec l'ennemi.

J'avais, presque en même temps, reçu une lettre de Madame Carles par l'intermédiaire de mon collègue à Paris. Ainsi, et réflexion faite, je me propose de répondre d'une façon personnelle à la lettre en question et de vous prier de remettre à Madame Carles la réponse que vous trouverez ci-jointe. Vous comprendrez que mon intervention officielle se heurterait à toute sorte de difficultés d'ordre officiel.

Je vous remercie tout d'abord des sentiments si cordiaux que vous avez manifestés à mon égard. Aussi, voudrais-je vous prier d'être mon interprète auprès des camarades du Rotary pour exprimer mes remerciements à ceux qui ont bien voulu se faire rappeler à mon bon souvenir.

En vous priant d'être aussi aimable de leur envoyer mes meilleures amitiés, je vous prie, mon Cher Ami, de trouver ici l'expression de mes sentiments les plus sincères.

(Sd.) Stanley Gudgeon

Stanley Gudgeon.

Monsieur F. Huber,
Consulat de Suisse,
Lille.

125

Personnelle.

Consulat-Général Britannique

Lisbonne, le 27 Mars 1945.

Chère Madame Carles,

J'étais si heureux de recevoir votre lettre du 7 Février, mais j'ai été navré d'y lire la nouvelle ahurissante, qui me paraît encore incroyable, que Monsieur Carles avait été emprisonné pour collaboration avec l'ennemi.

Je me rappelle, non sans émotion, les rapports confiants et suivis que j'ai entretenus avec Monsieur le Préfet pendant les trois ans qui ont précédé la guerre actuelle. Pendant cette période, il a constamment donné preuve de ses sentiments anglophiles. Lorsque la guerre a éclaté, nos relations sont devenues encore plus intimes. Je peux dire, sans exaggération, que j'avais en lui une confiance absolue. A ses sentiments anglophiles il m'a révélé de plus en plus ses sentiments nettement germanophobes, ce qui a facilité considérablement ma tâche comme Consul d'Angleterre vis-à-vis certaines personnes dont leurs sentiments étaient douteux.

Le 20 Mai 1940, l'ennemi se trouvait déjà dans la région, et lorsque certains de ses collègues et certains des miens avaient déjà quitté leurs postes, je suis allé trouver Monsieur le Préfet, non seulement pour lui demander son conseil, mais aussi pour me mettre d'accord avec lui sur la marche à suivre. Je me rappelle bien sa réponse. Il m'a dit avec fierté qu'il resterait à son poste pour défendre les intérêts du Département. En même temps il a été convenu que moi je me déplacerais à une autre ville dans ma circonscription consulaire pour retourner à Lille plus tard. Ainsi nous avons agi d'une façon identique mais notre sort a été différent, car dans mon cas les Allemands ont décidé de m'enlever en Allemagne comme prisonnier, ce qui aurait pu arriver à Monsieur Carles.

Pour terminer, je voudrais évoquer le souvenir d'un service inoubliable que votre famille a bien voulu rendre à ma femme et à mon enfant ainsi qu'à certains membres de mon personnel lorsque moi je me trouvais déjà en Allemagne. Vous vous rappelez peut-être qu'ils étaient tous détenus à la prison de Loos sous une accusation futile mais bien grave. Grâce à l'intervention énergique et spontanée de Monsieur le Préfet auprès des Allemands, les prisonniers ont été libérés immédiatement. Encore plus, vous avez - vous et Monsieur Carles - couru le risque de les héberger une nuit à la Préfecture et de les combler de petits soins, ce qui, d'après ma femme, vous a procuré une mauvaise note du côté de l'ennemi. Comment oublier votre gentillesse et votre courage! Nous vous restons profondément reconnaissants.

En vous présentant mes hommages, je vous prie, Madame Carles, de vouloir bien trouver ici pour vous-même, pour Monsieur Carles et pour votre famille, l'expression de nos sentiments d'amitié les plus sincères.

Madame Fernand CARLES
122 Rue Nationale
LILLE (Nord).

(Sd.) Stanley Gudgeon

Stanley Gudgeon.

COPY.

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CONSULAT DE SUISSE

LILLE.

LILLE, le 14 Février 1945

Mon cher Ami,

J'ai appris il y a quelques semaines, par Monsieur A.B. Hutcheon, Inspecteur Général de Consulat, qui m'a rendu visite, que vous êtes au Portugal, et je suis surtout heureux de vous savoir en bonne santé. Il est regrettable que vous n'ayez pu revenir dans le Nord de la France, où vous avez tant d'amis. Les Camarades du Rotary, sachant que je devais vous écrire, m'ont prié de les rappeler à votre bon souvenir et de vous transmettre leurs meuilleurs messages.

Je suppose que vous êtes au courant de ce que Monsieur Fernand Carles, ancien Préfet Régional du Nord, est emprisonné depuis le jour de la libération de Lille. Je ne pense pas que le Comité d'Epuration ait des griefs sérieux contre lui, mais il devra se défendre devant la Cour de Justice lorsque son cas viendra en jugement, et il a évidemment besoin d'appuis. Vous le connaisez, puisque vous vous êtes trouvé en rapports étroits avec lui et vous savez comme moi quel bon Français il est. Si mes souvenirs sont exacts, ce brave Préfet a réussi à obtenir, en mai 1940, votre élargissement de la prison de Loos, lorsqu'il a appris votre présence dans cet établissement, et il vous a offert, ainsi qu'à Madame Gudgeon, l'hospitalité à la Préfecture. Je me souviens également de l'aide que Monsieur et Madame Carles ont apportée aux ressortissants britanniques, au début de l'occupation et pendant toute la durée de celle-ci. Vos compatriotes ont ainsi profité d'avantages de toute nature: faux papiers délivrés à des officiers et soldats pour leur permettre d'échapper aux recherches; remise d'argent, vivres et vêtements à certains d'entre eux, dans le même but; facilités de transport d'évadés hors de la région, etc....

Bien que Monsieur Carles ait dû vous écrire récemment, je tiens, de mon côté, à vous envoyer ces quelques mots pour demander de lui adresser au plus tôt une déclaration qu'il puisse joindre au dossier de sa défense. La Cour sera certainement impressionnée favorablement par une attestation émanant d'un représentant de Sa Majesté Britannique, si connu dans la région. Il est évident qu'en sa qualité de Préfet, Monsieur Carles s'est trouvé en rapport avec l'Autorité Militaire allemande - c'est peut-être le seul reproche qu'on puisse lui faire -, mais je suis certain qu'il n'a pas exécuté servilement les ordres reçus, au contraire. Il a agi en vrai Français, et je suis personnellement désolé qu'il soit déjà dans le sixième mois de sa détention. Il a toutefois la chance de se trouver, non pas à Loos, mais dans l'école de police de Lille, ce qui lui permet de recevoir sa famille presque journellement. Son moral est excellent parce qu'il est sûr qu'on ne peut lui reprocher aucun fait sérieux.

Comme je suis lié d'amitié avec les Carles, je me suis permis de vous entretenir de cette question, sachant que vous ne refuserez pas le service demandé; et je suis persuadé que Monsieur Carles sera particulièrement sensible à ce que vous pourrez faire pour lui. Peut-être connaissez-vous d'autres personnalités anglaises de la région qui ont été l'objet des bienfaits de Monsieur Carles, et qui pourraient l'aider en la circonstance.

Ma femme m'a chargé de vous adresser, ainsi qu'à Madame Gudgeon, son meuilleur souvenir. De mon côté, je vous prie de présenter mes hommages à Madame Gudgeon et de croire, mon cher Ami, à mes sentiments les plus cordiaux.

(Sd.) F. Huber.

P.S.- Je vous serais obligé de hâter votre réponse le plus possible et de me la faire parvenir par la même voie que celle employée par moi pour vous adresser la présente.

NOTHING TO BE WRITTEN IN THIS MARGIN.

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Registry
No. Z. 4783/255/17

+ PUS file 16.
128

FOREIGN OFFICE, S.W.1.,
16 April, 1945.

Draft

Mr. Duff Cooper
PARIS.

No. 587

Sir,

I transmit herewith a copy of a letter from Mr. Gudgeon, His Majesty's Consul-General at Lisbon, regarding the arrest of Monsieur Carles, formally Préfet of the Département de Nord, together with two letters in original addressed to Madame Carles and Monsieur Huber, the Swiss Consul at Lille, respectively.

2. Unless you see objection, I shall be glad if Your Excellency will take steps to deliver the two letters as desired by Mr. Gudgeon.

3. A copy of this despatch is being sent to Mr. Gudgeon.

I am, with great truth & respect
Your Excellency's Most Obedient
Humble Servant
(For the Minister Churchill)
(Sgd) F.K. Hoyer Millar.

Copy to:
Mr. Gudgeon, with
Mr. Allchin's
Compliments.

OUT FILE 129

No. 587 FOREIGN OFFICE,
S.W.1.

(Z 4783/255/17). 16th April, 1945.

Your Excellency,

I transmit herewith a copy of a letter from Mr. Gudgeon, His Majesty's Consul-General at Lisbon, regarding the arrest of Monsieur Carles, formerly Préfet of the Département de Nord, together with two letters in original addressed to Madame Carles and Monsieur Huber, the Swiss Consul at Lille, respectively.

2. Unless Your Excellency sees objection, I shall be glad if you will take steps to deliver the two letters as desired by Mr. Gudgeon.

3. A copy of this despatch is being sent to Mr. Gudgeon.

I am, with great truth and respect,
Sir,
Your Excellency's obedient Servant,
(For Mr. Winston Churchill)

(Sd.) F. R. HOYER MILLAR

His Excellency
The Right Honourable
A. Duff Cooper, D.S.O., M.P.,
etc., etc., etc.,
Paris.

8 1945 | WESTERN | Z4952 /G 130 | 20 APR 1945

Z4952/255/G.17

East of Halifax
10'ton
2641
Dated 18 April
Received 20 April.

Alleged Pétain – Churchill agreement

Refs to F.O. tel 289 Saving (Z3955/255/G)
Reports that a book by Rougier is now being printed for publication in Canada.

Last Paper.
Z4357

References.

(Print.)

(How disposed of.)

(Action completed.)
J. F 24/4

(Index.)
Wpth.

Next Paper.
Z5191

(Minutes.)

Foreign 20/4

This story will not die without some official encouragement from us. It has apparently been brought up at the trial in Paris of Gen. Dentz – see attached extract from B.B.C Monitoring of the Spanish radio. Would it not therefore be as well to arrange for a PQ. and have this thing nailed to the counter once and for all?
H. Dimpre 21/4

Now pl. see also attached Reuter report about Gen. Dentz' trial. In view of Gen. Monnet's denial yesterday of the existence of the alleged agreement it may be less necessary for us to say anything.
H. Dimpre 21/4

26513 F.O.P.

9

I am inclined to
think that we might now
so state our demand, in
view of Rouquier coming
back.

I suppose we might
so clear this passage
this morning when the
P.M.

Hobhouse

21.4

I wish things could be left
this alone. I much doubt
whether Rouquier's book
will cause any such
sensation - nobody seems
much interested in the
Arab period now - By coming
out with our piece now, we
might actually advertise
Rouquier & his book -

GM
22/IV

3014

2

Z4992

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[CYPHER]

DEPARTMENTAL No. 2

FROM WASHINGTON TO FOREIGN OFFICE

Earl of Halifax. D. 12.55 a.m. 19th April 1945.
No. 2671.
18th April 1945. R. 10.20 a.m. 19th April 1945.

Repeated to Paris Saving.

999999

Your telegram No. 289 Saving. Z 2993 1255/5

I am informed that a book by Rougier containing these documents is now being printed and will very shortly be published in Canada. Rougier apparently hopes that its appearance will be a bomb-shell.

2. You may wish to consider issuing a statement before the book comes out in order to damp any effect it may have.

Foreign Office please pass to Paris as my telegram No. 31 Saving.

[Repeated to Paris No. 676 Saving].

OTP.

APR 1945
F.O. REGISTRY

FRENCH
TRIAL 1

VICHY GENERAL WHO FOUGHT BRITISH PLEADS HIS CASE

PROSECUTION DENIES ALLEGED CHURCHILL-PETAIN AGREEMENT

PARIS, FRIDAY - GENERAL MORNET, FRENCH PUBLIC PROSECUTOR, TODAY EMPHATICALLY DENIED ALLEGATIONS TT A SECRET AGREEMENT HD BN CONCLUDED BETWEEN MR CHURCHILL AND MARSHAL PETAIN.

ON THE LAST DAY OF THE TRIAL OF GENERAL HENRI DENTZ, HIGH COMMISSIONER IN SYRIA UNDER VICHY, WHO OPPOSED THE BRITISH AND FIGHTING FRENCH FORCES IN 1941, COUNSEL FOR THE DEFENCE DECLARED TT SUCH AN AGREEMENT EXISTED. IT HD BN SIGNED, THEY SD, ON OCTOBER 26, 1940.

PIERRE ETIENNE FLANDIN, VICHY FOREIGN MINISTER AND PRIME MINISTER OF FRANCE IN 1934-35, HD BN CALLED AS A WITNESS FOR THE DEFENCE TO GIVE EVIDENCE ON THIS ALLEGED AGREEMENT.

BUT IS NAME WAS REMOVED FROM THE LIST OF WITNESSES WHEN HE HD TO GO INTO HOSPITAL. HE IS STILL UNDER ARREST ON CHARGES OF COLLABORATION.

MAITRE VESINNE LARUE AND MAITRE ALCIDE DELMONT, TWO WELL-KNOWN BARRISTERS ACTING AS COUNSEL FOR GENERAL DENTZ, URGED TT GENERAL MORNET WAS LACKING IN A SENSE OF FAIR PLAY IN NOT TAKING THE ALLEGED AGREEMENT INTO ACCOUNT.

M TO THIS GENERAL MORNET REPLIED: "I HV NOT TAKEN IT INTO ACCOUNT BECAUSE THE AGREEMENT DOES NOT EXIST".

GENERAL DENTZ MADE A STATEMENT IN IS OWN DEFENCE BEFORE THE JURY WITHDREW TO CONSIDER THEIR VERDICT.

REUTER MF

Z 4952/2

Mrs Simpson

133

6: = 'ALCAZAR' QUOTES ALLEGED CHURCHIDL - PETAIN TREATY =

SPANISH HOME SERVICE. 22.15. 19.4.45.

MADRID: THIS EVENING 'ALCAZAR' PUBLISHES A REPORT FROM PARIS, DISTRIBUTED BY THE EFE - UP SPECIAL SERVICE, WHICH SAYS THAT A SECRET TREATY WAS SIGNED BETWEEN CHURCHILL AND PETAIN IN OCTOBER 1940. THIS SEEMS TO BE THE CONCLUSION TO BE DRAWN FROM THE SPEECH TO BE MADE BY COUNSEL FOR THE DEFENCE OF GENERAL DENTZ, CHARGED WITH HIGH TREASON BEFORE THE PARIS COURT. (SENTENCE AS TRANSMITTED)

= TREATY SIGNED BY STRANG IN 1940 =

ACCORDING TO U.P. THE TREATY WAS SIGNED IN LONDON BY SIR WILLIAM STRANG AND REPRESENTATIVES OF THE VICHY GOVERNMENT. IT HAS SIX CLAUSES.

CLAUSE 1 STATES THAT ENGLAND WOULD RESTORE TO FRANCE HER TERRITORIAL INTEGRITY ON CONDITION THAT SHE WOULD DO NOTHING TO FACILITATE A GERMAN VICTORY.

CLAUSE 2 PLEDGES FRANCE TO CARRY OUT SABOTAGE AGAINST THE REICH.

BY CLAUSE 3, BRITAIN AGREES NOT TO SEIZE, NOR LURE OVER TO HER SIDE BY PROPAGANDA, FRENCH COLONIES STILL LOYAL TO THE VICHY GOVERNMENT.

CLAUSE 4 BINDS BRITAIN TO CAUSE HER RADIO SERVICES TO ABSTAIN FROM CRITICISING THE FRENCH CHIEF OF STATE.

BY CLAUSE 5 THE FRENCH GOVERNMENT PLEDGES ITSELF TO MAKE NO ATTEMPT TO RESTRAIN BY FORCE COLONIES THAT MIGHT SIDE WITH DE GAULLE, AND ALSO AGREES TO PUT THE (FRENCH) EMPIRE ON A WAR FOOTING ON THE DAY WHEN BRITAIN AND HER ALLIES SHALL RETAKE THE INITIATIVE IN THE WAR.

FINALLY, IN CLAUSE 6, THE FRENCH GOVERNMENT SOLEMNLY CONFIRMS ITS FORMER ASSURANCES TO ENGLAND THAT FRENCH WARSHIPS WILL BE SCUTTLED BY THEIR CREWS RATHER THAN BE HANDED OVER TO THE GERMANS OR ITALIANS.

(BBC MONITORING)++++00.44.+++20.4.+++MS (O)

51

1945

Z

FRANCE

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Z 5020

23 APR 1945

Registry Number } Z 5020/255/17

FROM Mr. Duff Cooper (Paris)

No. 438 (292/30/45)

Dated 18th April

Received in Registry } 23rd April 1945

Z : France

Justice and the purge policy in the Marseilles area.

Transmits copy of Marseilles despatch No. 58 of 9th April enclosing extract from "Là France" of 18th March giving the text of a motion passed by the Council of the Marseilles Bar, on the local purge policy and the general deterioration in the conception and administration of justice.

Last Paper.

Z 4952/9

References.

(Print.)

(How disposed of.)

Cy/ Miss McLeod, M. of I. 26 April

(Minutes.)

Cy/ Miss McLeod, M. of I.

F. D. Simpson 25/4

F.O.R. Dept 25/4/45

Mrs... 25/4

(Action completed.)

24/5

(Index.)

12/12/46 2nd

Next Paper.

Z 5022

29082 F.O.P.

No. 438
(292/30/45)

Z
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HIS Majesty's Ambassador at Paris presents his compliments to H.M.P.S.of S.for F.A. and has the honour to transmit to him the under-mentioned documents.

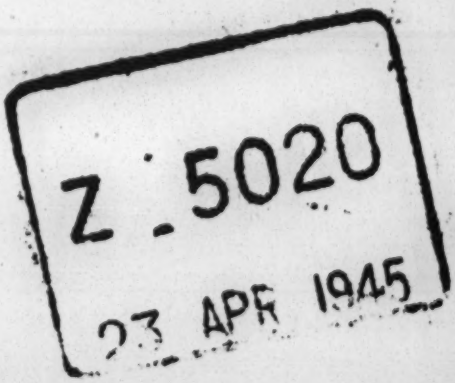
British...Embassy,.....
.....Paris.....
.....

18.4.45....., 194.....

Reference to previous correspondence:

Description of Enclosure.

Name and Date.	Subject.
Marseilles despatch No.58 of 9.4.45.	Justice and purge policy in Marseilles area.



BRITISH CONSULATE GENERAL

MARSEILLES

137

April 9th, 1945

SEK/vp. No.58

Sir,

With reference to the ninth paragraph of Your Excellency's despatch to the Foreign Office No.338 of 22nd March, I have the honour to transmit herewith a copy of the text of a motion unanimously passed by the Council of the Marseilles Bar, as published in "La France" of March 18th. It gives in outspoken terms the opinion of professional jurists both on the local purge policy and on what they consider to be the grave deterioration in the prevalent conception and administration of justice. It expresses the wish that justice will without delay resume its normal course in accordance with the laws of the Republic and under the control and responsibility of the judges.

2. It will be observed that the motion was not published until March 18th, although it was apparently passed on 5th February, that is to say, shortly after the departure of Monsieur Aubrac. It illustrates the sudden swing of the local pendulum towards "la légalité républicaine" which marked the advent of the present Regional Commissioner.

I have the honour to be,
Sir,
Your Excellency's most obedient
humble Servant,

S. E. KAY

Consul General.

His Excellency,
His Majesty's Ambassador,
British Embassy,
Paris.

La France 18 Mars 1945

138.

COMME A PARIS

Le Conseil de l'Ordre des avocats de Marseille

EST INTERVENU POUR QUE LA JUSTICE REPRENNE SON COURS NORMAL ET REGULIER

On a fait état récemment d'une importante délibération du Conseil de l'Ordre des Avocats de Paris réclamant le respect des libertés individuelles et le retour à la légalité républicaine.

Il convient de préciser, à cet égard, que, dès le 5 février, le Conseil de l'Ordre des Avocats au barreau de Marseille avait adopté un ordre du jour signalant des faits graves et demandant que la Justice reprenne sans délai son cours normal et régulier.

Voici le texte de ce document qui se passe de tous commentaires :

A l'unanimité, le Conseil de l'Ordre, salue avec sympathie l'arrivée à Marseille d'un Commissaire de la République décidé à assurer dans tous les domaines le respect de la légalité républicaine et rend hommage à M. le Préfet des Bouches-du-Rhône pour son haut esprit de justice et pour les efforts louables et particulièrement méritoires qu'il n'a cessé de déployer dans une période difficile, afin de remédier à des abus de tous genres et mettre en dépit des obstacles rencontrés, un frein aux atteintes arbitraires portées à la liberté individuelle dont la ville et le département ont été témoins.

Et de même suite sur la proposition du Bâtonnier qui a reçu les doléances de ses confrères et recueilli les plaintes des internés et des détenus, le Conseil croit de son devoir strict, sans sortir de ses attributions professionnelles, de signaler à l'attention de ces hauts fonctionnaires :

1) Que trop souvent les décisions de Justice demeurent inopérantes ; qu'il en est ainsi pour les mises en liberté provisoire, les renvois devant la Chambre Civique, laquelle ne peut prononcer de peines privatives de liberté, les acquittements, les classements de dossiers décidés par la Cour de justice ; qu'il paraît tout à fait anormal de constater que les mesures ci-dessus énumérées se trouvent paralysées par les décisions administratives ; que ce n'est pas faire échec à l'autorité gouvernementale, laquelle dans les cas tout à fait exceptionnels où la liberté d'un individu paraît de nature à compromettre la sécurité publique, peut nonobstant recourir à une mesure d'exception, de souligner que de pareilles mesures ne sont prises qu'avec la plus grande circonspection par MM. les juges d'instruction avec l'assentiment préalable de M. le commissaire du gouvernement, ou encore par la Cour de justice elle-même, donnant par sa composition toutes les garanties justement exigées par la Résistance ; qu'il s'agit de restituer la Justice dans la pleine et légitime possession de sa souveraineté.

2) Que de nombreuses personnes sont depuis plusieurs mois détenues sans connaître d'une façon précise les motifs de leur arrestation, sans qu'il soit possible de savoir ce que contient leur dossier, parfois d'ailleurs vide de toute pièce et sans qu'il leur soit donné le moyen de faire entendre leur voix.

3) Que des individus souvent irrégulièrement arrêtés ont été l'objet de sévices graves allant jusqu'à la torture ; que des aveux leur ont été de la sorte extorqués, dont la Justice ne peut faire état ; que ces méthodes empruntées aux peuples barbares sont indignes d'une nation civilisée et déshonorent la répression elle-même ; qu'elles doivent être sévèrement et définitivement proscrites de nos mœurs comme de nos lois et leurs auteurs poursuivis.

4) Que la prison préventive doit être imputée sur la peine prononcée, non pas depuis le jour du mandat de dépôt ou de l'ouverture de l'instruction, mais bien du jour même de l'arrestation.

Cela étant, fort de son attachement inébranlable aux principes de Justice et de Liberté qui sont le fondement et l'honneur de toute démocratie, fort également de son indépendance et de son attachement à la chose publique, le Conseil de l'Ordre émet à l'unanimité le vœu que la Justice reprenne sans délai son cours normal et régulier, conformément aux lois de la République, sous le contrôle et sous la responsabilité des magistrats, en dehors de toute pression extérieure; le rétablissement de l'ordre et celui non moins nécessaire de la confiance étant à ce prix, comme aussi l'union de tous les Français, à laquelle le général de Gaulle, à qui la France doit tant, vient de faire récemment et par deux fois un émouvant appel.

Une délégation d'avocats attire l'attention de M. de Menthon sur « les inconvénients présentés par les juridictions d'exception »

PARIS. — M de Menthon, ministre de la Justice, a reçu longuement une délégation de l'Association nationale des avocats, conduite par son président, le bâtonnier Fernand Payen.

L'Association avait précédemment envoyé au ministre un mémoire détaillé résumant les doléances provenant de toutes les régions.

La délégation a insisté sur les graves inconvénients que présentent les juridictions d'exception improvisées au lendemain de la libération et sur le danger que ferait courir à l'ordre social la prolongation de leur fonctionnement.

Le ministre, après avoir rappelé les difficultés qu'il a dû surmonter, a promis de rétablir dans un délai de quelques semaines les garanties de l'indépendance de la magistrature (inamovibilité), commission de classement, pour les nominations et l'avancement. Il a, en outre, affirmé que grâce à certaines mesures envisagées, toutes les affaires soumises aux cours de justice seraient liquidées vers la fin juillet.

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1945

Z

FRANCE

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Z 5022

07 APR 1945

Registry Number: Z 5022/255/17.

TELEGRAM FROM
Mr. Duff Cooper, Paris.

No. 641 Immediate.

Dated 22nd April, 1945.

Received in Registry: 23rd April, 1945.

Z: France.

Condemnation of General Dentz.

Gives a list of the charges on which General Dentz was condemned to death on the 20th April. Reports that the lawyers defending General Dentz ~~was condemned to death on the 20th April. Reports that the lawyers defending General Dentz~~ have requested an interview to discuss certain documents, but have been refused. Thinks that one of these documents may be the Convention of St.-Jean d'Acre of 14th July, 1941 which brought to an end the hostilities in Syria (E ~~7776~~/62/89). E 5265 Asks for views.

Last Paper.

Z 5020

References.

E 7776/62/89 : 1941
E 4146
E 4271
E 4577
E 5252
E 5253

E5265/62/89 (Print.)

(How disposed of.)

Copied No. 10
Tel) Paris No. 774 24/4*
9) 2 paragraphs as minuted:
Paris No 647 of April 25
*. (Syria Conf. Sept 2, 1941, Sect. I : E5265/62/89,
+ Conf. Print: Text of Syrian armistice at Acre 14/7/41)

(Action completed.)	(Index.)
27/4	13/11/46

Next Paper.

Z 5057

(*Minutes.*)

I attach copies of the Syrian Armistice and of the supplementary exchange of letters between Mr. Lyttelton and General de Gaulle concerning its interpretation. Neither of these documents makes any reference to an amnesty for the French forces engaged in the campaign. The Armistice Convention, which in any case was not signed by any representative of General de Gaulle, merely provided for the surrendering French forces to be repatriated to France or alternatively to join the Allied side.

I submit a draft reply after consultation with Mr. Baxter.* Copies of the two attached print sections should also be sent urgently to Paris under P.L. with reference to the telegram (& the 2 copies attached being returned to Mr. Baxter).

R.H. Speaight

Eastern Department. 23rd April, 1945.

The references may have been to the 20 1/4 Armistice but that clause is not relevant to Gen. Dentz' case.

R. Leyton Cooper.

23.4

29082 F.O.P.

24/4

Z 140

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on.]

[CYPHER] SPECIAL (POLITICAL)

Z 5022
23 APR 1945

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper D: 22nd April, 1945
No. 641

22nd April, 1945 R: 5.04 p.m. 22nd April, 1945

& & &

IMMEDIATE

General Dentz was on April 20th condemned to death on the following charges:

1. Having facilitated the supply of arms to the rebels in Iraq.

2. Having handed over Syrian air bases to the Germans.

3. Having taken measures to ensure secrecy of installation of Luftwaffe in Syria.

4. Having organised armed resistance to Gaullist and British troops in Syria.

5. Having demanded reinforcements from the Germans in men and material.

2. I have received a request from lawyers conducting General Dentz's defence Maître Vesinne Larue and Maître Alcide Delmont that I should grant them an interview so as to enable them to lay before me certain documents. As on similar occasions in the past, I have refused to see them on the grounds that I cannot intervene in any way in the administration of French justice.

3. It occurs to me that one of the documents the lawyers may have wished to discuss with me is one which they made great use of in their case for the defence. It is the Convention of St. Jean d'Acre signed on July 14th, 1941 by Generals Maitland Wilson and Catroux which put an end to hostilities in Syria. According to Counsel for the Defence it was agreed by note that the Allies would exact no reprisals from the French military or civil authorities who took part in Syrian campaign. If defence counsel are quoting correctly from treaty, French authorities by condemning Dentz to death on a charge of organising armed resistance to Allied troops in Syria are acting contrary to terms of an agreement to which we are co-signatory. It is argued in the press here however that at the time of signature of this treaty full measure of Dentz's treachery was unknown and has only now been brought to light by a study of messages that passed between him and Vichy Government while he was High Commissioner.

4. Not possessing text of treaty I cannot tell

/whether.....

E5265/62/89
E 7414/62/89
copy Paris September 14, 1941
APR 23 1945
F.O. REGISTRY

whether in fact charges on which Dentz has been condemned come within terms of amnesty provided by Convention of St. Jean d'Acre.

5. I shall be glad to be furnished with your views without delay as death sentence may be carried out in the near future.

[Advance copies sent to the Prime Minister.]

O.T.P.

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Registry
No. Z 5022/255/17

R.L.S.

Draft.

H.M. Ambassador,
PARIS.

Telegram.

No. 744

Dated April 24

Cypher

Special Political distribution.

Eastern Dept. 23/4

NOTHING TO BE WRITTEN IN THIS MARGIN.

OUT FILE

IMMEDIATE *Despatched* 6.55 p.m. 24/4

Your telegram No. 641 of April 22nd: General Dentz.

Convention of July 14th, 1941, was signed only by General Maitland Wilson and the Deputy Commander-in-Chief of the French troops in Syria, and not by any representative of General de Gaulle. On July 24th, 1941, letters were exchanged between General de Gaulle and Mr. Lyttelton, then Minister of State in Cairo, defining the interpretation of the Convention. Copies of both documents follow by bag.

2. The convention cannot possibly bear the interpretation placed upon it by counsel for the defence. It provided that the surrendering French forces would have the alternative of being repatriated to France or rallying to the Allied cause, but it made no reference to the future treatment of those who, like General Dentz, chose

repatriation/

repatriation, and there was never any question of safeguarding them against the proceedings of French justice after the liberation of France.

3. I approve your action in refusing to receive counsels for the defence. If, however, you feel obliged to make any answer to their point about the convention you should be guided by the foregoing.

GM
24/iv

The only article (no 20) in annexure dealing with future prosecutions refers only to prosecution by British authorities of various Syrians or Lebanese. It is clearly not relevant to General Beatty's case.

NOTHING TO BE WRITTEN IN THIS MARGIN.

OUT FILE

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on].

Z 5022/25[illegible]/17

[CYPHER] SPECIAL POLITICAL

FROM FOREIGN OFFICE TO PARIS

No. 774
24th April, 1945. D. 6.55 p.m. 24th April 1945

4 4 4

IMMEDIATE

Your telegram No. 641 [of April 22nd: General Dentz].

Convention of July 14th, 1941, was signed only by General Maitland Wilson and the Deputy Commander-in-Chief of the French troops in Syria, and not by any representative of General de Gaulle. On July 24th, 1941, letters were exchanged between General de Gaulle and Mr. Lyttleton, then Minister of State in Cairo, defining the interpretation of the Convention. Copies of both documents follow by bag.

2. The convention cannot possibly bear the interpretation placed upon it by counsel for the defence. It provided that the surrendering French forces would have the alternative of being repatriated to France or rallying to the Allied cause, but it made no reference to the future treatment of those who, like General Dentz, chose repatriation, and there was never any question of safeguarding them against the proceedings of French justice after the liberation of France. The only article (No. 20) in armistice dealing with future prosecutions refers only to prosecution by British authorities of native Syrians or Lebanese. It is clearly not relevant to General Dentz's case.

3. I approve your action in refusing to receive counsels for the defence. If, however, you feel obliged to make any answer to their point about the convention you should be guided by the foregoing.

OTP

53

8

1945

Z

FRANCE

Z 5057

23 APR 1945

145

"
Registry Number } Z 5057/255/17

FROM Commander Redvers Prior, R.N.

No.

Dated 19th Apr.

Received in Registry } 23rd Apr. 1945

Z: France

Collaborators in French industrial circles.

Gives an account of the activities of Georges Perret, Henri Balay and Georges Vigne, collaborators with the Germans who, he asserts, still hold positions of trust in the rubber industry. Adds that the position is substantially the same in other industries, and mentions the case of Monsieur Desurmont, of the textile industry.

Last Paper.
Z5022 (Z3711)

References.

(Print.)

(How disposed of.) acknd

9) Paris N°. 693 (ref. Z 3711) Hoey 1.

8) 13/T. M/Supply Col. Adam M.15. Hoey 1.

(Minutes.)

Copy { Paris (p.c.) ref Z 3711.
Board of Trade
My. of Supply
Col. Adam, M.I.5
F.C.D. 25/4

I.C Dept. 11/5

(Action completed.)	(Index.)
9/0 12/5	11/12/46

Next Paper.

Z 5140

MANSION HOUSE {7820 8366

15/18, ST DUNSTAN'S HILL,
E.C.3.

Z 5057

19th April, 1945.

To:-
The Rt. Hon. Anthony Eden, M.C., M.P.,
H.M.Secretary of State for Foreign Affairs,
The Foreign Office,
Downing Street,
LONDON, S.W.,1.

Sir,

Some time ago I had the honour of speaking to you regarding collaborationists still working in France. I can now give you a short account of three:-

GEORGES PERRET was Director of the French Rubber Industry during the German occupation, and has been on very friendly terms with the Germans; was also a great friend of Mr. Pucheux and Mr. Lehideux. After the liberation of France we expected to see someone else at the head of the French Rubber Industry, but his power was confirmed by the new Government. He was forced to leave about two months ago, owing to the fact that evidence was preferred against him, showing his sympathy with the enemy. A demand was received in London, asking whether Perret could not be sent over here to represent the French Rubber Industry. Fortunately, one of the French Officials in London, knowing his attitude, vigorously protested, and permission was refused.

HENRI BALAY, Director of Bergougnan, was Chairman of a French Manufacturers' Rubber Syndicate, and also Chairman of a Groupement d'Importation for Rubber. Soon after the fall of France he was one of the first to sign an Agreement with the German Rubber Industry, and to accept full control by German Authorities. He went to Weisbaden a few weeks after the fall of France, and at the time was very proud to be one of the first French Groups to accept German control. Mr. Balay is still head of a French Rubber Syndicate as Chairman, also of a Groupement d'Importation.

GEORGES VIGNE is Managing Director of the Union Commerciale Indochinoise & Africaine. During the occupation of France, he suggested to a German that they should send them the Rubber lying in Indochina, to be sent to Germany via Japan and Russia, or by any other channel, in spite of the blockade. Thus making himself "persona grata", he became the official Broker of the so-called French Government of Vichy, for the sale of Rubber from Indochina to France. His Company thereby made many millions profit, and so far as I understand, in 1942 and 1943, some steamers were able to get through the blockade from Indochina, and to deliver Plantation Rubber to Bordeaux for German Factories, or French Factories working for Germany. On the liberation of France, Mr. Vigne was so upset by

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having been on the wrong side, that he volunteered to refund to the Indochinese Dealer part of the profit he had made by selling Rubber to Germany. This offer was of course refused.

In spite of all this, it is surprising to find that Mr. Vigne is still "persona grata" in official circles and is more or less at the head of various economic concerns, Groupement or Syndicate, actually in France preparing the restoration of a regular trade in Indochina; also that he is still on very good terms with the French Colonial Office. In addition, I would mention that the Company "LUCIA", of which he is Chairman, was for a few months on the Black List in so far as Tangier was concerned.

May I add that the problem is more or less the same for other industrial French circles. For instance, in the Textile business the large transactions between the United Kingdom and France have been done through the regular services of the French Mission, but with the technical help of well-known textile industry personnel, amongst whom it was somewhat surprising to see in London one of the biggest French textile manufacturers, - Mr. Desurmont, who worked so much and so openly with the Germans during the Occupation of France, that he even gave a large party in Paris, with a few German guests, to celebrate the first milliard Francs he had made.

I have the honour to be, Sir,

Your obedient Servant,

Redvers Prior

COMMANDER, R.N.,

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1945

Z

FRANCE

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Z 5140

25 APR 1945

Registry Number Z 5140/255/17

TELEGRAM FROM

Mr. Norton, Berne.

No. 863

Dated 24th April,

Received in Registry 25th April, 1945.

Z: France

Marshal Pétain's request to return to France.

Refers to Berne telegram No.859 (Z 5141/255/17) and gives text of communiqué issued by the Swiss Federal Politcal Department regarding Marshal Pétain's application for permission to travel through Switzerland to France to surrender to the French authorities.

Last Paper.

Z5057

References.

(Print.)

(How disposed of.)

Rptd) Paris No 722 (S)
Ans 25th.
8) Rom 531. P.L.S.C. July 19.
W.O

(Minutes.)

Reported Paris (saving).
Seen with Z5141.
F.L.S.
25/4

(Action completed.)

(Index.)

14/12/46

Next Paper.

(Z5141)

REGISTRY [redacted]

REPETITION OF TELEGRAMS.

149

(Date) 26/+

(Despatched) 5 A M.

(1) CYPHER ROOM,
FOREIGN OFFICE.

Please repeat to the posts shown below telegram No. 863

from ~~Berne~~ Berne dated April 24

H.M. Ambassador Paris (No. 722 Saving) apl 25.

..... (No.....)

..... (No.....)

(Signed) F. A. Simpson

(Dept.) Western

(Date) 25/4/45

(2) DIVISION CONCERNED (FOR ARCHIVES).

Z 5140

25 APR 1945

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[EN CLAIR] GENERAL DISTRIBUTION

FROM BERNE TO FOREIGN OFFICE

Mr. Norton D. 8.51 p.m. April 24th, 1945.
No. 863 R. 1.35 a.m. April 25th, 1945.

April 24th, 1945.

IMPORTANT b b b b

not yet received from Berne

My telegram No. 859.

Following communique issued by Federal Political Department: Marshal Pétain has requested the Federal Council to grant him, his wife and small suite permission to travel through Switzerland to France where he will place himself at the disposal of Judicial authorities. Federal Council has granted this request.

Marshal Pétain will await in Switzerland the instructions of the French Government concerning the place and time of transfer to France. These instructions are expected very shortly.

APR 25 1945 FOREIGN OFFICE REGISTRY

F.O. REGISTRY

55

1945

Z

FRANCE

Z 5141

25 APR 1945

151

Registry Number: Z 5141/255/17

TELEGRAM FROM
Mr. Norton, Berne

No. 864
Important

Dated 24th April

Received in Registry 25th Apr. 1945

Z: France

Refusal of permission for Laval to enter Liechtenstein and Switzerland.

Refers to Berne telegram No. 863 (Z 5140/255/17) and reports press announcement that Laval asked for permission to enter Liechtenstein on 23rd April and was refused. He tried also to enter Switzerland, with the same result. The Staff of the Japanese Legation to Vichy are at present at St. Gall.

Last Paper.

(Z 5140)

References.

(Print.)

(How disposed of.)

Rptd) Paris No 723(S)
Adm 25th

(Minutes.)

Reported Paris (saving).
Pl. see also Z 5140.
We had the information given in this two lets. yesterday from B.B.C monitoring of the Swiss radio.

G.L.S. 25/4

Lord Perry 25/4.
Sir Eadon Dept. Adm 25/4
1) BBC monitoring: April 24

G.S. 26/4

(Action completed.)

(Index.)

Next Paper.

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REGISTRY

REPETITION OF TELEGRAMS.

152

Z

(Date) 26/4

(Despatched) 5.A M.

(1) CYPHER ROOM,
FOREIGN OFFICE.

'Please repeat to the posts shown below telegram No. 864

from ~~Berne~~ Berne dated April 24

H.M. Ambassador, Paris (No. 723 Saving) apl25

..... (No. .....)

..... (No. .....)

(Signed) F.L. Simpson

(Dept.) Western

(Date) 25/4/45

(2) DIVISION CONCERNED (FOR ARCHIVES).

[EN CLAIR] GENERAL DISTRIBUTION 7 5141 153

FROM BERNE TO FOREIGN OFFICE 1945

Mr. Norton D. 8.51 p.m. April 24th, 1945.
No. 864 R. 1.55 a.m. April 25th, 1945.

April 24th, 1945.

b b b b

IMPORTANT 25140/3551/7

My immediately preceding telegram.

Press reports that Laval sought asylum in Liechtenstein on 23rd April at frontier station Schaanwald. Liechtenstein Government refused him permission to cross frontier. Press adds, that competent authorities in Berne confirm that Laval asked for permission to enter Switzerland which had been refused.

Staff of Japanese Legation to Vichy Government who were at Sigmaringen until approach of French troops are at present at St. Gall.

ALL STATIONS - URGENT +++

39: = PETAIN IN SWITZERLAND ON WAY TO FRANCE =

SWISS HOME SERVICE IN GERMAN 13.30 24.4.45

INDEXED

THE FEDERAL POLITICAL DEPARTMENT ANNOUNCES: MARSHAL PETAIN APPLIED TO THE FEDERAL COUNCIL FOR HIMSELF, HIS WIFE AND A FEW PERSONS ACCOMPANYING HIM TO ALLOW HIM TO TRAVEL FROM THE SWISS EAST FRONTIER VIA SWITZERLAND, TO FRANCE, WHERE HE DESIRES TO SUBMIT TO THE JUDICIARY AUTHORITIES.(GERICHTSBEHOERDEN). THE FEDERAL COUNCIL GRANTED THIS REQUEST. MARSHAL PETAIN WILL AWAIT IN SWITZERLAND THE INSTRUCTIONS OF THE FRENCH GOVERNMENT CONCERNING THE PLACE AND TIME OF THE FRONTIER CROSSING INTO FRANCE. THESE INSTRUCTIONS WILL PRESUMABLY ARRIVE VERY SOON (''DUERFTEN SEHR BALD EINTREFFEN''). THIS MORNING MARSHAL PETAIN WITH HIS SUITE PASSED AT 00'CLOCK IN NINE MOTORCARS IN S.MARGARETHEN THE SWISS FRONTIER.(BBC MONITORING)
+++13,45+++24.4. KF (U)

Z 5(41) 255 (1)

LINE 2 FROM END READ: '' 90 CLOCK++++

KALL STATIONS - URGENT ++

40: = LAVAL REFUSED ADMITTANCE TO LICHTENSTEIN =

SWISS HOME SERVICE IN FRENCH 13.45 24.4.45

AS REGARDS LAVAL: HE PRESENTED HIMSELF AT THE LICHTENSTEIN FRONTIER WHERE HE WAS TURNED BACK BY THE AUTHORITIES. THIS WAS DONE ON THE DECISION OF THE GOVERNMENT OF THE PRINCIPALITY.(BBC MONITORING)
+++14.06+++24.4. KF (U)

Reuter report from Paris in this morning's "Times" says "Marshal Pétain has been summoned before the French High Court of Justice, where trial will open on May 7." J. Simpson 24/4

If true, this move of the Marshal's will prove very embarrassing. It would have been much better for him to finish his days in Switzerland & be tried & condemned in his absence. R. Speaight 24/4

R. Nasigli was asked yesterday when we heard the news. Ma

(i.e. there may be trouble ahead here. I hope he stays in Switzerland) 24.4

FRENCH
PETAIN 3
A LATER REPORT FROM T SWISS FRONTIER, T REUTER ZURICH REPORT ADDED CROSSED INTO SWITZERLAND AT SANKT MARGARETHEN ON T EASTERN FRONTIER AT NINE A.M. TODAY WITH A SMALL SUITE.

T PARTY CAME IN EIGHT CARS FROM AUSTRIA.
IT WS OFFICIALLY STATED TODAY TT HE APPLIED FOR PERMISSION FOR HIMSELF AND HIS WIFE AND SUITE TO ENTER SWITZERLAND SO TT HE CLD PRESENT HIMSELF BEFORE T FRENCH JURIDICAL AUTHORITIES.
HE IS NOW WAITG FOR INSTRUCTNS FROM T FRENCH GOVT WHERE AND WHEN TO CROSS T FRENCH BORDER.
THESE INSTRUCTNS ARE EXPECTED VERY SHORTLY.
PIERRE LAVAL TRIED TO ENTER T SMALL PRINCIPALITYO LIECHTENSTEIN AT A PLACE NEAR VADUZ THIS MORNING BUT WS TURNED BACK. REUTER
1347

PLEASE READ OPENING PARAGRAPH -
A LATER REPORT FROM T SWISSM FRONTIER, T REUTER ZURICH REPORT ADDED, SD TT MARSHAL PETAIN CROSSED INTO SWITZERLAND ..ETC
THIS ADDS T WORDS ..SD TT MARSHAL PETAIN .. REUTER

FRENCH
PETAIN 4

SWISS RADIO REPORTED THIS AFTERNOON TT T MEMBERS O T FORMER JAPANESE LEGATN TO T VICHY GOVT HV ALSO ENTERED SWISS TERRITORY AND ARE AT PRESENT STAYG AT ST GALL. REUTER 1352

...PETAIN INTRO

PETAIN ENTERS SWITZERLAND - LAVAL TURNED BACK

FROM REGINALD LANGFORD, REUTERS SPECIAL CORRES

ZURICH, TUESDAY -- MARSHAL PHILIPPE PETAIN, T 88-YEAR-OLD EXILED EX-CHIEF O T VICHY FRENCH REGIME, CROSSED FROM AUSTRIA INTO SWITZERLAND TODAY TO GIVE HIMSELF UP TO T FRENCH AUTHORITIES.

PIERRE LAVAL, HIS PRIME MINR SINCE 1942, TRIED TO CROSS FROM T REICH INTO T SMALL REPUBLIC OF LIECHTENSTEIN, BUT WS TURNED BACK AT T FRONTIER.

IT WS OFFICIALLY STATED HERE TT PETAIN ENTERED SWITZERLAND WITH GOVT PERMISSION AND IS NOW AWAITING INSTRUCTNS FROM T FRENCH AUTHORITIES. REUTER END INTRO 1400

86

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1945

Z

FRANCE

Z 5144

25 APR 1945

Registry Number: Z 5144/255/17

TELEGRAM FROM

Mr. Norton, Berne.

No. 859. Secret.

Dated 24th April, 1945.

Received in Registry 25th April, 1945.

Z:France.

Attempt by Laval and Rochat to enter Switzerland.

Reports that Laval and Rochat tried to enter Switzerland that the former was refused permission, except on the understanding that he would surrender himself to the French authorities. He asked for 24 hours for reflection. Déat and Marion were also refused entry.

Last Paper.

Z 5141

References.

Z5191/G.

(Print.)

(How disposed of.)

29. (~~Filed~~) Paris N644 Apr 25th.

Rptd.) Paris No 727(S) Apr 26th

(Minutes.)

Repeated Paris Saving ~~German Dept.~~ Foreign Office 26/4

Mrs. 26/4

As regards M. Rochat, see also Paris tel. No. 662 (Z5191/G).

H.J.S. 26/4

(Action completed.) W 27/4

(Index.) 1a/127/66 and

Next Paper.

Z5141/9

158.

REGISTRY **REPETITION OF TELEGRAMS.**

Z 5144/258/17

(Date) 26/4

(Despatched) 3.50 P.M.

(1) CYPHER ROOM,
FOREIGN OFFICE.

Please repeat to the posts shown below telegram No. 859

from ~~to~~ Berne dated April 24th

H.M. Ambassador, Paris (No. 727 Saving)

..... (No. .....)

..... (No. .....)

April 26th

(Signed) F. A. Simpson

(Dept.) Western

(Date) 26/4/45

(2) DIVISION CONCERNED (FOR ARCHIVES).

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on.]

Z 5144

25 APR 1945

Z
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[CYPHER] WAR CABINET DISTRIBUTION

FROM BERNE TO FOREIGN OFFICE

Mr. Norton
No: 859
24th April, 1945.

D. 6. 56 p.m. 24th April, 1945.
R.12. 20 a.m. 25th April, 1945.

11111

IMPORTANT

I understand that Laval and M. Rochat presented themselves at the Swiss frontier yesterday. Swiss Government refused entry to Laval but accepted M. Rochat as a refugee who could remain in Switzerland if he wished. The French Ambassador informs me that Laval was told that he could pass through Switzerland if he gave the same pledge as Marshal Pétain to go straight to France and give himself up and that Laval asked for 24 hours to reflect. The President of the Confederation however has since informed me that this is not quite exact, as the Swiss Government wish to make a clear distinction between Pétain and Laval. He did not exclude the possibility of Laval being allowed to cross Switzerland if the French Government requested it. But they would not discuss conditions with Laval. It also appears that Déat and Marion were refused entry. Admission of Marshal Pétain was arranged by the Germans with the Swiss Legation.

O.T.P.

25 APR 1945 REGISTRY

9 1945	WESTERN	Z 5191 /G	160

Z 5191/255/G/7

Mr Duff Cooper
Paris
662
Dated 25 April
Received 26 April.

France: Movements of Marshal Pétain

Reports interview with M. Dejean concerning Marshal Pétain's movements as reported in the Press.
French Press reports that it has been carefully arranged by Hitler.
Gives M. Dejean's views.

Last Paper.
Z 4952

References.

(Print.)

Amdt. to draft of 25 April
(2) Sir D. Horton
26 April
Rptd to Wiesbaden 4181
Berne 857
26 April

(Minutes.)

No doubt Marshal Pétain's presence in France would be embarrassing for Gen. de Gaulle and his Govt. Nevertheless, this matter must be grasped firmly. It has been made abundantly clear by the progress of the purge that the Marshal himself must appear in the dock at the trials of his collaborators, both big and small, are to continue. Trial in absentia is the best satisfactory of all solutions.

P.S. See also the attached items.

G. Jebb 26/4

I am not sure. The only satisfactory solution is for Pétain to die a natural death as quickly as possible.

/ Failing

(Action completed.)
RV 30/4

(Index.)
Wfst.

Next Paper.
Z 5416

Saving that, he could probably have done
less harm as a refugee in Switzerland
than as a prisoner in France,
where his mere presence is bound to
arouse acute controversy.

Given W.C. Dept.
Copied Sir D. Morton.

Rh. Speaight 26/4

Referred to Washington.

I think Petain's
appearance in Paris can
only embarrass the Laval
Govt. & do them any
good.

JH.
26.4

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REGISTRY

REPETITION OF TELEGRAMS.

No. Z 5191/255/G.

(Date) 26/4

(Despatched) 6.10 p.m.

(1) CYPHER ROOM,
FOREIGN OFFICE.

Please repeat to the posts shown below telegram No. 662

from/~~to~~ Paris dated April 25th

Wiesbaden (No. 1181)

Berne (No. 857) April 26th

..... (No. .....)

(Signed) R. L. Speaight

(Dept.) .....

(Date) April 26th

(2) DIVISION CONCERNED (FOR ARCHIVES).

2 to/4

2

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[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on.]

[CYPHER] SPECIAL (POLITICAL).

FROM PARIS TO FOREIGN OFFICE.

Mr. Duff Cooper.
No. 662. D. 25th April 1945.
25th April 1945. R. 9.35 p.m. 25th April 1945.

FFFFF

IMPORTANT.

Minister saw M. Dejean this afternoon concerning the movements of Marshal Petain as reported in the Press (see my telegram No. 208 Saving which follows by bag).

First reaction of the French Press is that this is a movement carefully arranged by Hitler in the belief that the Marshal's trial will sow discord among the French and divide the country. This theory is based on the argument that the Germans would never otherwise have furnished vehicles and petrol for relatively luxurious transport of the Marshal and his suite. It is suggested that the manoeuvre had been carefully timed to synchronise with the elections. There is also apparent in the Press a fear lest the Government may show leniency towards the Marshal in respect of his great age. Resistance papers foresee the possibility of the admission of "attenuating [sic ? extenuating] circumstances" and declare that there will be certain Frenchmen ready to salute the gesture of the Marshal in handing himself over for judgment.

According to M. Dejean the French Government were aware that the Swiss Government were ready to give Marshal Pétain and his suite only asylum in Switzerland. They were completely taken by surprise however by the action of the Swiss Government in agreeing to the wish of the Marshal to be handed over to the French authorities. It was on April 23rd that the German Government approached the Swiss Government with the request that the Marshal should cross into Switzerland and then be handed over as a prisoner to the French Government. Latter had been obliged to agree. The Marshal is accompanied by his wife, a general, an admiral and two female staff. Dejean regarded this as the last dirty trick that the Marshal with the connivance of the Germans would play on his own country. He feels the presence of the Marshal in France will be used as a rallying point for supporters of Vichy and other collaborationists. At the same time the parties of the Left will take this opportunity to press for sterner measures of purge. In fact the Marshal's return at this juncture would prove most embarrassing for de Gaulle.

Rochat, who is regarded as a member of the Marshal's staff, has also been allowed to enter Switzerland.

OTP

APR 1945
F.O. REGISTRY

Z 5191/2825/9

164

Z

AMENDED DISTRIBUTION (26th April, 1945)

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on.]

[CYPHER]

WAR CABINET DISTRIBUTION

FROM PARIS TO FOREIGN OFFICE

Mr. Duff-Cooper D: 25th April, 1945
No. 662
25th April, 1945 R: 9.55 p.m. 25th April, 1945

& & &

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28 APR 1945 REGISTRY

/country.....

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O.T.P.

85:- = FRENCH MINISTER OF INFORMATION HOLDS PRESS CONFERENCE =

FRENCH TELEGRAPH SERVICE (AFP) FOR FRANCE. 22.10.24 5495 /G 166

PARIS. TEITGE, MINISTER OF INFORMATION, HELD A PRESS CONFERENCE AND ANSWERED THE MANY QUESTIONS ASKED BY FRENCH AND ALLIED JOURNALISTS.

= PETAIN =

ASKED ABOUT THE'' PETAIN CASE'' THE MINISTER FIRST CONFIRMED THE TEXT OF THE OFFICIAL COMMUNIQUE AND ADDED THAT, ACCORDING TO THE LATEST NEWS, PETAIN, WHO HAD CROSSED INTO SWISS TERRITORY THIS MORNING AT 09.00 WOULD NOW CROSS SWITZERLAND IN TRANSIT ACCOMPANIED BY HIS WIFE AND A FEW OFFICERS OF HIS PERSONAL SUITE. THE FRENCH GOVERNMENT, INFORMED IN THE COURSE OF THE DAY, WILL COMMUNICATE TO THE SWISS AUTHORITIES THE POINT ON THE FRONTIER AT WHICH PETAIN AND HIS SUITE MUST PRESENT THEMSELVES.

= NO INFORMATION ON LAVAL =

ASKED: WILL LAVAL ACT IN THE SAME MANNER?

TEITGEN REPLIED: THE FRENCH GOVERNMENT HAS UP TO NOW HAD NO INDICATION WHATEVER CONCERNING LAVAL.

(MF) 2320

CONTINUATION SERIAL 85 FRENCH MINISTER OF INFORMATION HOLDS PRESS CONFERENCE. PAGE 2. 2321

..WHATEVER CONCERNING LAVAL.

= PETAIN'S FATE UNDECIDED =

ASKED: WHAT WILL BE PETAIN'S FATE?

TEITGEN ANSWERED: ''IT IS CLEAR THAT THE MARSHAL WILL HAVE TO ANSWER TO THE CHARGES WEIGHIN AGAINST HIM. WHILE THE DATE OF THE TRIAL HAS NOT BEEN POSTPONED IT IS POSSIBLE, NEVERTHELESS, THAT THE INVESTIGATION WILL HAVE TO BE RE-OPENED. NO DECISION HAS IN ANY CASE BEEN TAKEN IN THIS RESPECT. IT WILL NO DOUBT BE THE POLICE AUTHORITIES, ENTRUSTED WITH SAFEGUARDING THE SECURITY OF OUR FRONTIERS, WHO WILL PROCEED TO ARREST HIM

= FRENAY NOT RESIGNING =

ASKED: THE PRESS HAS REPORTED RUMOURS ACCORDING TO WHICH FRENAY IS REPORTED TO BE RESIGNING, IS THIS TRUE?

TEITGEN ANSWERED:' '' I DO NOT THINK THAT FRENAY, WHO IS ON A MISSION IN GERMANY, IS RESIGNNG. (BBC MONITORING) 2324. 24.4. TBC R+

NO. 10 ALSO.

14: = PETAIN GRANTS INTERVIEW AND BLAMES HITLER -.
''NATIONALSEITUNG'' =

ENCH TELEGRAPH SERVICE (AFP) FOR EUROPE 01.18 25.4.45.

BERNE: ''HITLER HONOURED NONE OF HIS PROMISES'', PETAIN DECLARED DURING HIS FIRST INTERVIEW TO THE PRESS. THE EDITOR OF THE BASLE ''NATIONALZEITUNG'', WHO WAS AT ST. MARGARETHEN WHEN PETAIN ENTERED SWITZERLAND, DESCRIBES THE SCENE AND THE STATEMENTS WHICH PETAIN MADE TO HIM:

= GERMAN MINISTER TO SIGMARINGEN GOVERNMENT SEES OFF PETAIN =

AT ABOUT 09.30 A SMART CADILLAC LIMOUSINE BEARING THE MARSHAL'S EMBLEM CROSSED THE BRIDGE NEAR ST. MARGARETHEN. IT STOPPED OUTSIDE THE SWISS CUSTOMS HOUSE. THE MARSHAL AND HIS WIFE, WEARING A NOSEGAY OF SPRING FLOWERS, WERE IMMEDIATELY RECOGNISED. THE GERMAN MINISTER ACCREDITED TO THE ''GOVERNMENT'' SIGMARINGEN ACCOMPANIED THEM TO THE FRONTIER.

= COMPLAINT OVER GESTAPO OBSERVATION =

THE MARSHAL DECLARED HE WAS HAPPY TO HAVE BEEN ABLE TO LEAVE GERMANY AND SAID HE WAS ''ABLE TO SMILE AGAIN IN SWITZERLAND, SOMETHING HE HAD MISSED SO MUCH UNDER THE GESTAPO WHEN HE COULD NOT TAKE A STEP WITHOUT BEING OBSERVED BY A GERMAN AGENT WHO REPORTED EVERYTHING HE DID TO BERLIN''.

= NO CONTACT WITH NAZIS SINCE ''ABDUCTION'' FROM VICHY =

PETAIN THEN AFFIRMED THAT HE HAD REFUSED TO PARTICIPATE IN ANY ''PATRONAGE'' OF FRENCH PRISONERS. AND SPOKE OF HITLER, WHO ''HONOURED NONE OF HIS PROMISES, AND ADDED THAT HE HAD NOT BEEN IN CONTACT WITH MEMBERS OF THE GERMAN GOVERNMENT SINCE ''HE WAS ABDUCTED FROM VICHY''.

(BBC MONITORING)
02.19 25.4. (R) LF.
++++++++

NO.10 ALSO
B28: = PETAIN TRIAL POSTPONED =

FRENCH TELEGRAPH SERVICE (AFP) FOR EUROPE
.02 25.4.45.

H.C. Simpson 26

169

PARIS: THE MINISTRY OF JUSTICE ANNOUNCES:-

ON HIS ARRIVAL ON FRENCH SOIL, MARSHAL PETAIN W WILL BE PLACED AT THE DISPOSAL OF THE HIGH COURT OF JUSTICE. HIS PRESENCE RENDERS INVALID NEITHER PROCEEDINGS ALREADY TAKEN, NOR THE ORDER TAKEN ON 23RD APRIL BY THE EXAMINING COMMISSION TO REFER XX THE CASE TO THE HIGH COURT, NOR THE ORDINANCE ISSUED FOR THE ARREST OF THE ACCUSED.

IT DOES HOWEVER CONSTITUTE A NEW FACT NECESSITATING NOT THE OPENING OF A NEW PRELIMINARY INVESTIGATION BUT THE COMPLEMENTING OF THE PRELIMINARY INVESTIGATION WHICH LED TO THE ORDER TO REFER THE CASE TO THE HIGH COURT, IF ONLY TO GATHER STATEMENTS BY THE ACCUSED AND TO PROCEED WITH VERIFICATIONS AND INVESTIGATIONS MADE POSSIBLE OR IMPERATIVE BY HIS PRESENCE.

IN THESE CIRCUMSTANCES, THE CASE CANNOT BE TRIED ON 17TH MAY AS FORECAST, AND IT WILL BE FOR THE PRESIDENT OF THE HIGH COURT TO ISSUE AN ORDINANCE PRESCRIBING A COMPLEMENT TO THE PRELIMINARY INVESTIGATION WHICH WILL BE MADE VERY SPEEDILY. THIS CAN BE DONE EITHER BY JUDGES OF THE HIGH COURT OR BY THE EXAMINING COMMISSION OF THE HIGH COURT THROUGH ITS PRESIDENT AND ONE OR SEVERAL OF ITS MEMBERS ENTRUSTED WITH CARRYING OUT ENQUIRIES UNDER ITS CONTROL. (BBC MONITORING).
22.14 25.4. R. MB.

59

170

Z

1945

FRANCE

Z 5215

27 APR 1945

Registry Number Z 5215/255/17	**Moscow report of Marshal Pétain's arrival in Switzerland.**
TELEGRAM FROM	Moscow press reports of 24th April quote "L'Ordre" announcement that Marshal Pétain and his wife have been in Switzerland for several days, "Red Star" reports of his forthcoming trial on 17th May are also quoted.
Mr. Roberts, Moscow.	
No. 1544.	
Dated 25th April, 1945.	
Received in Registry 27th April, 1945.	
Z:France.	

Last Paper.

Z 5191/9

References.

(*Print.*)

(*How disposed of.*)

(*Minutes.*)

The French M. of I. announced to-day that the Marshal and party crossed into France at an agreed time and place last evening, that he was placed under arrest and taken to Paris. He is now lodged at Montrouge Fort.

Y.S. 27/4

PRO 28/4

Northern Dept.

(Action completed.)	(Index.)
28/4	14/12/46

Next Paper.

Z 5257

Z 5215
27 APR 1945

171.

[EN CLAIR] DEPARTMENTAL NO. 2.

FROM MOSCOW TO FOREIGN OFFICE

Mr. Roberts
No. 1544 D. 7.20. p.m. 26th April 1945

25th April 1945 R. 2.30. a.m. 27th April 1945

S S S S

Paris Tass Trud April 24th gives quotes from "Ordre" announcement that according reliable information Petain and wife have been in Switzerland for several days.

"Red Star" April 24th gives quotes from "France Presse" reports that Petain case has been examined by commission of Justice of National Resistance Council and submitted to Supreme Court. Trial will open May 17th. Documents show that Petain's treachery began long before 1940 and that he had been in contact with Hitler and Goering.

APR 27 1945 REGISTRY

37

Z

1945

FRANCE

Z 5257

27 APR 1945

172

Registry Number Z 5257/255/17

TELEGRAM FROM
Earl of Halifax,
Washington.
No. 2931

Dated 26th April, 1945.

Received in Registry 27th April, 1945.

Z : France.

Petain - Churchill agreement.

Refers to Washington telegram No. 2671 (Z 4952/255/G) and considers a statement should be made concerning the alleged secret Petain - Churchill agreement, which was mentioned in the defence of General Dentz in his trial in Paris, and which has given rise to a letter published in the "Washington Post" of 26th April by Charles Apson.

Last Paper.

Z 5245

References.

Z 4952/G.

(Print.)

(How disposed of.)

Min to P.M.
Tel) Washington No. 4346 of 30th
Rptd San Francisco No. (1)
Tel) Washington No. 4347 of 30th
Rptd. San Francisco No. (1) 8
- Paris No. 755 Saving

(Action completed.)

13/7

(Index.)

13/12/46

Next Paper.

Z 5262

(Minutes.)

(Z 5262)

Pl. see also W'ton tels. No. 2932 & No. 2671 (Z 4952/G).

I agree that the time has now come to bring out our P.Q. again, especially in view of Pétain's arrival in France & impending trial. ~~We last already~~

The P.M. agreed to a P.Q. when the story first came up (see his minute M 1925/5 of March 10th on Z 3955/G) but the S of S decided to let the matter rest for the time being as interest in the story seemed to have died down. For an account of the facts, see the enclosure to the S of S's minute to the P.M. on Z 2766/G.

I submit a minute to the P.M. covering the relevant tels. & the Afr. question & answers prepared last month.

/9

I also submit 2 draft tels. to Washington.

R. Speaight 28/4

I think action is now necessary on the lines previously agreed.

O Harvey
28/iv

Minute approved by Sir O. Sargent & despatched.

pms 30/4

Greece

Z

174

[CYPHER] DEPARTMENTAL NO:2.

FROM WASHINGTON TO FOREIGN OFFICE.

Earl of Halifax D: 1.27 a.m. 27th April, 1945.
No:2931
26th April, 1945. R: 10.15 a.m. 27th April, 1945.

Repeated to Paris
San Francisco.

a a a a

Z 5257
27 APR 1945

IMMEDIATE

My telegram No. 2671 2 WUSA G

You will have seen that defence in recent trial in Paris of General Dentz urged the alleged Petain - Churchill agreement in justification of his past actions. This has given rise to a letter published in "Washington Post" of April 26th signed by a certain Charles Upson Clark who I presume has obtained his information from Rougier text which is given in my immediately following telegram.

2. If we are to avoid widespread misunderstanding here of His Majesty's Government role in this matter I think it is essential that a statement should be now put out. If it is still not desired to inspire a Parliamentary question a statement could be made here only.

3. If you see no objection please telegraph text urgently repeating to Ambassador at San Francisco for his concurrence.

O.T.P.

APR 27 1945
F.O. REGISTRY

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No.

175

P.M./05./45-/44 dated Ap. 28.

Draft. minute from Sir O. Sargent

Prime Minister

In your minute M 192/5 of March 10th you told the Foreign Secretary that you approved his proposal to arrange a P.Q. for the purpose of denying the story that you had concluded a secret agreement with Pétain in 1940.

2. Mr. Eden decided ~~at the time~~ in the end to let the matter rest, since interest in the story seemed to have died down both in France & the U.S. W/T tels. Nos. 2671, 2931 & 2932 (copies attached) show that the story has cropped up again. I agree with Lord Halifax that the time has now come to scotch it, more especially in view of Pétain's impending trial. Would you be prepared to have Mr Law answer a

W/T tels. Nos. 2671, 2931 & 2932

Aft. PQ & answer

R.H. Speaight 28/4

28/iv

a question in Parliament early next week in the terms of the attached d/f? ~~If so,~~

3. To save time I have telegraphed the text of the suggested question & answer to Ottawa & San Francisco in case both Halifax or the S of S. have any comments.

DB Fm 29

NOTHING TO BE WRITTEN IN THIS MARGIN.

P.M./O.S./45/44

PRIME MINISTER

In your minute M 192/5 of March 10th you told the Foreign Secretary that you approved his proposal to arrange a P.Q. for the purpose of denying the story that you had concluded a secret agreement with Pétain in 1940.

2. Mr. Eden decided in the end to let the matter rest, since interest in the story seemed to have died down both in France and the U.S. Washington telegrams Nos. 2671, 2931 and 2932 (copies attached) show that the story has croppedup again. I agree with Lord Halifax that the time has now come to scotch it, more especially in view of Pétain's impending trial. Would you be prepared to have Mr. Law answer a question in Parliament early next week in the terms of the attached draft?

3. To save time I have telegraphed the text of the suggested question and answer to Washington

San Francis

San Francisco in case Lord Halifax or the Secretary of State have any comments.

(Sgd) O. G. Sargent

29th April, 1945.

Z 5257/255/17

IMPORTANT

H.M. Ambassador,
WASHINGTON.

Tel. No .....

Dated

Repeat:-

U.K. Delegation,
San Francisco

No .....
Important

H.M. Ambassador,
PARIS.

No .....

Cypher

Saving

Departmental
No. 2.

Your telegram No. 2931 [illegible] of April 26th alleged pact with Pétain.

Following from Sir O. Sargent.

I have suggested to Prime Minister that he should answer a question on this subject in Parliament early next week. Text of proposed question and answer is contained in my immediately following telegram.

I am repeating this to San Francisco in case Secretary of State or Lord Halifax have any comments.

[illegible]/255/17

H.M. Ambassador,
WASHINGTON.

IMPORTANT

My immediately preceding telegram [of April : alleged pact with Pétain].

Following is text:-

QUESTION

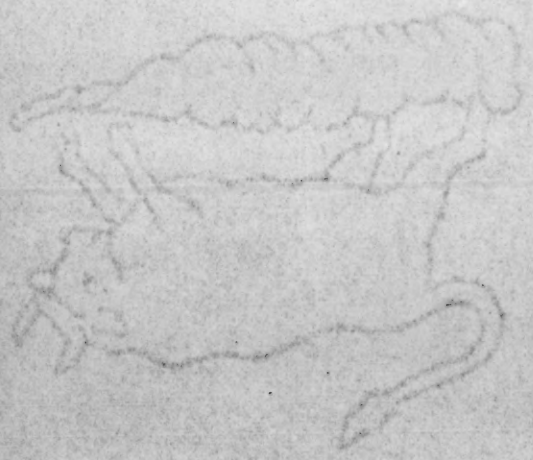
To ask the Secretary of State for Foreign Affairs if his attention has been drawn to [recent] reports [in the American press] to the effect that H.M.G. concluded a secret agreement with Marshal Pétain in 1940; and whether he can make any statement on this subject.

ANSWER

Yes Sir. I think that it would be useful for me to give the House a brief account of the facts in order to correct any misunderstandings which may have been caused by this very inaccurate report.

After the withdrawal of the French Ambassador from London in July 19[illegible] H.M.G. sought to maintain contact with Marshal Pétain and his Ministers through less direct channels in the hope of [illegible] encourag[illegible]

encouraging them to keep up a maximum of passive resistance to the enemy. To this end a series of messages were exchanged with the Vichy administration during the autumn of 1940 through the British and French representatives at a neutral capital. The object of the exchanges was to obtain assurances from Vichy that they wouldnot surrender the French fleet to the Germans, allow the Germans to obtain control of French overseas territory, or themselves attack the French colonies which had rallied to General de Gaulle. We explained that, if such assurances were forthcoming, we should be prepared to negotiate a modus vivendi whereby limited trade would be permitted through the blockade between Metropolitan France and the African territories under Vichy control. In the event nothing came of these proposals. The replies to our approaches were unsatisfactory and it soon became clear that Vichy was too much under German influence to be able to give adequate assurances on the points in question, or to carry them out if given.



In October 1940 an emissary from Vichy who represented himself as acting on the personal instructions of

Marshal Pétain/

Marshal Pétain got in touch with the British authorities and was brought to London where he saw the Prime Minister and the then Foreign Secretary, Lord Halifax. This emissary did not, however, come with any specific mission and the object of his visit seems primarily to have been to gauge the state of opinion in this country and the prospects of our continued resistance to the enemy. He brought with him no proposals for an agreement and no agreement was in fact ever concluded with the Vichy administration either through this emissary or through any other channel.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z 5257/255/17

OUT FILE

Date 30/4

183.

Despatched 2.0 M.

A

Draft.

H.M. Amb-
assador

tel. No. 4346
dated April 30th

repeat
U.K. Delegation,
San Francisco
No. 177. Important

H.M.A. Paris, No 754. Spy
cypher saving

Depr. No. 2.

R.L. Speaight 28/4.

25/IV

Important [to both posts]

Your tel. No. 2931 [of April 26th: alleged pact with Pétain].

Following from Sir O. Sargent.

I have suggested to Prime Minister that he shd. answer a question on this subject in Parliament early next week. Text of proposed question and answer is contained in my immediately following tel. (B)

I am repeating this to S. Francisco in case SOS or Lord Halifax have any comments.

[approved by Sir O. Sargent]

pms 30/4

OUT FILE

184

Z.5257/255/17.

[CYPHER]

DEPARTMENTAL NO.2.

FROM FOREIGN OFFICE TO WASHINGTON

No. 4,546.

D: 2.00 p.m. 30th April,1945.

30th April, 1945.

Repeated to: U.K. Delegation, San Francisco No. 177 Important,

Paris, No. 754 Saving.

@@@ @@@ @@@

IMPORTANT

Your telegram No. 2,931 [of April 26th: alleged pact with Pétain.]

Following from Sir O. Sargent.

I have suggested to Prime Minister that he should answer a question on this subject in Parliament early next week. Text of proposed question and answer is contained in my immediately following telegram.

I am repeating this to San Francisco in case Secretary of State or Lord Halifax have any comments.

O.T.P.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Z5257/255/17

H.M. Amb.
Washington
tel. No. 434
dated April 30
repeat
U.K. Delegation,
San Francisco
tel. No. 178
Important

H.M.A. Paris
tel. No. 755 Saving
cypher

Dept. No 2.

R. Speaight
28/4

OUT FILE

Important

12.50 am 1/5/45

Immediately preceding tel. [of April 30]:

~~Proposed Parliamentary Question and Answer regarding the alleged secret Agreement with Pétain.~~ [alleged pact with Pétain].

Following is text:-

Question

~~Mr. Johnston~~ To ask the ~~Secretary of State~~ for Foreign Affairs if his attention has been drawn to a recent report in the ~~French~~ American press to the effect that H.M.G. concluded a secret agreement with Marshal Pétain in 1940; and whether he can make any statement on this subject.

Answer

Yes Sir. I think that it would be useful for me to give the House a brief account of the facts in order to correct any misunderstandings which may have been caused by this very inaccurate report.

After the withdrawal of the French Ambassador from London in July 1940, H.M.G. sought to maintain contact with Marshal Pétain and his Ministers through less direct channels in the hope of encouraging them to keep up a maximum of passive resistance to the enemy. ~~within the framework of the armistice~~. To this end a series of messages were exchanged with the Vichy administration during the autumn of 1940 through the British and French representatives at a neutral capital. The ~~immediate~~ object of the exchanges was to obtain assurances from Vichy that they would not surrender the French fleet to the Germans, allow the Germans to obtain control of French overseas territory, or themselves attack the French colonies which had/

had rallied to General de Gaulle. We explained that, if such assurances were forthcoming, we should be prepared to negotiate a modus vivendi whereby limited trade would be permitted through the blockade between Metropolitan France and the African territories under Vichy control. ~~in return for satisfactory guarantees of Vichy's ability to implement their undertakings.~~ In the event nothing came of these proposals. The replies to our approaches were unsatisfactory and it soon became clear that Vichy was too much under German influence to be able to give ~~any satisfactory~~ adequate assurances on the points in question, or to carry them out if given.

~~It is true as alleged in the report that~~ In October 1940 an emissary from Vichy who represented himself as acting on the personal instructions of Marshal Pétain got in touch with the British authorities and was brought to London where he saw ~~the Prime Minister~~ myself & Prime Minister and the then Foreign Secretary, Lord Halifax. This emissary did not, however, come with any specific mission and the object of his ~~mission~~ visit seems ~~merely~~ primarily to have been to gauge the state of ~~resistance~~ Vichy in this country and the prospects of our continued resistance to the enemy. He brought with him no proposals for an agreement and no agreement ~~of any sort~~ was in fact ever concluded with the Vichy administration either through this emissary or through any other channel.

[approved by Sir O. Sargent]

pm 30/4

NOTHING TO BE WRITTEN IN THIS MARGIN.

OUT FILE

127

257/255/17

[CYPHER] DEPARTMENTAL No. 2.

FROM FOREIGN OFFICE TO WASHINGTON

No. 4547 D: 12.50 a.m. 1st May, 1945

30th April, 1945

Repeated to United Kingdom Delegation San Francisco No. 178 (Important)
Paris No. 755 Saving.

& & &

IMPORTANT

My immediately preceding telegram [of April 28th: alleged pact with Pétain.]

Following is text:-

Question.

To ask the Secretary of State for Foreign Affairs if his attention has been drawn recent reports in the American press to the effect that His Majesty's Government concluded a secret agreement with Marshal Pétain in 1940; and whether he can make any statement on this subject.

Answer

Yes Sir. I think that it would be useful for me to give the House a brief account of the facts in order to correct any misunderstandings which may have been caused by this very inaccurate report.

After the withdrawal of the French Ambassador from London in July 1940, His Majesty's Government sought to maintain contact with Marshal Pétain and his Ministers through less direct channels in the hope of encouraging them to keep up a maximum of passive resistance to the enemy. To this end a series of messages were exchanged with the Vichy administration during the autumn of 1940 through the British and French representatives at a neutral capital.

The object of the exchanges was to obtain assurances from Vichy that they would not surrender the French fleet to the Germans, allow the Germans to obtain control of French overseas territory, or themselves attack the French colonies which had rallied to General de Gaulle. We explained that, if such assurances were forthcoming, we should be prepared to negotiate a modus vivendi whereby limited trade would be permitted through the blockade

/between.....

between Metropolitan France and the African territories under Vichy control. In the event nothing came of these proposals. The replies to our approaches were unsatisfactory and it soon became clear that Vichy was too much under German influence to be able to give adequate assurances on the points in question, or to carry them out if given.

In October 1940 an emissary from Vichy who represented himself as acting on the personal instructions of Marshal Pétain got in touch with the British authorities and was brought to London where he saw the Prime Minister and the then Foreign Secretary, Lord Halifax. This emissary did not, however, come with any specific mission and the object of his visit seems primarily to have been to gauge the state of opinion in this country and the prospects of our continued resistance to the enemy. He brought with him no proposals for an agreement and no agreement was in fact ever concluded with the Vichy administration either through this emissary or through any other channel.

O.T.P.

60

1945

Z

FRANCE

189

Z 5262

28 APR 1945

Registry Number Z 5262/255/17

TELEGRAM FROM
Earl of Halifax,
Washington.

No. 2932 Immediate

Dated 26th April,

Received in Registry 28th April, 1945.

Z: France

Alleged Pétain-Churchill agreement.

Refers to Washington telegram No.2931 (Z 5257/255/17) and gives text referred to therein, regarding the alleged Pétain-Churchill Agreement, of which the supposed terms are given.

Last Paper.

(Z5257)

References.

(Minutes.)

Pl. see Z 5257.

pres 28/4.

(Print.)

(How disposed of.)

(Action completed.)

20/5

(Index.)

18/12/46

Next Paper.

Z 5263

190

Z 5262

28 APR 1945

[EN CLAIR] DEPARTMENTAL NO.2.

FROM WASHINGTON TO FOREIGN OFFICE

Earl of Halifax
No.2952
26th April,1945
Repeated to Paris
United Kingdom Delegation San Francisco

D. 9.40 p.m. 26th April,1945
R.7.25 a.m. 27th April,1945

u u u

IMMEDIATE

For Lord Halifax.

My immediately preceding telegram. Z 5257/255/17.

Following is text. I held no brief for General Dentz who was a severe taskmaster at the concentration camp outside Aix En Provence and seems to have played both sides against the middle in Syria but when his lawyers bring up the (alleged) Churchill-Petain pact of November 1940 for Joint action against the axis and it is dismissed as a fabrication it is high time to protest.

This pact exists the photographs of the signed documents will shortly be published. Till now censorship has prevented revelation of its terms. They include a promise by Britain to allow French ships to bring supplies from Africa to France, not to disturb Vichy French Colonies and to outfit French Colonial troops to fight against the axis.

Petain promised not to molest free French Cenonies, not to allow the Germans to occupy French Colonial bases and to order the scutling of the French Fleet if endangered by the axis. Flandin knew of the existence of this pact and when he joined the Vichy Cabinet in December 1940 it was with the desire to act against Germany in accordance with its terms which as every newspaper reader knows were loyally kept by Petain to the end.

Knowledge of the pact of course justifies the policy of President Roosevelt and secretary Hull toward Vichy. Suppression of its publication and the wide spread en contrary propaganda constitute one of the blackest chapters in the mystification of public opinion in the war. (Ends)

APR
28 1945
F.O. REGISTRY

61

1945

Z

FRANCE

191

Z 5263

29 APR 1945

Registry Number Z 5263/255/17

TELEGRAM FROM

Mr. Duff Cooper, Paris.

No. 208. Saving.

Dated 25th April, 1945.

Received in Registry 27th April, 1945.

Z:France.

Arrangements for Marshal Pétain's surrender to the French authorities.

French Minister of Information reported on 25th April that Marshal Pétain had asked the Swiss Government for permission to pass through Switzerland to surrender to the French authorities. Arrangements are reported, and the refusal of permission for Laval, Déat and Luchaire to enter Switzerland is also stated.

Last Paper.

Z5262

References.

(Print.)

France Volume

(How disposed of.)

(Minutes.)

We have had the French M. of I. communiqué and M. Teitgen's statement. They are attached to another paper.

We also know of the reports about those named in the first two sentences of para. 2.

H.D. 28/4

(Action completed.)

£30/4

(Index.)

14/12/46

Next Paper.

Z5264

[Z 5263/255/17]

Z 192

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on].

[EN CLAIR]

WAR CABINET DISTRIBUTION

FROM PARIS TO FOREIGN OFFICE

Z 5263

28 APR 1945

Mr. Duff Cooper.
(No. 208. Saving.)

25th April 1945.

(Telegraphic)

D. (received) 25th April 1945.

R. 4.50. p.m. 27th April 1945.

.....

Paris, 25th April, 1945

French Ministry of Information issued a communiqué on April 25th announcing that Marshal Pétain has asked the Swiss Government, through German intermediaries, for permission to pass through Switzerland in order to give himself up at the French frontier and that the French Government had fixed the place and the date of his arrival in France and his surrender to the French authorities. The press reports that his wife and his suite, in eight cars containing (27) persons, including a General Debeney and nine other officers, crossed the Swiss frontier at 9 a.m. on the morning of April 24th at Sankt Margrethen. Thence he proceeded to St. Gall, where he awaits permission to continue his journey. The German Minister accredited to the Marshal bade him farewell at the frontiers. It was his 89th birthday.

2. It is further reported that Laval, Déat and Luchaire were refused permission to enter Switzerland. Laval is said to have also been turned back when he recently demanded to enter Liechtenstein. M. Tietgen gave a press conference on the morning of April 25th but gave no details beyond those contained in the official communiqué. He said that the trial par contumace fixed for May 17th would probably be postponed.

Sept-Sept 1951

APR 28 1945 F.O. REGISTRY

13130 [31205]

1

62

193

Z

1945

FRANCE

Z 5264

29 APR 1945

Registry Number: Z 5264/255/17

TELEGRAM FROM

Mr. Roberts, Moscow

No. 1584.

Dated 27th April, 1945.

Received in Registry 29th April, 1945.

Z: France.

Request by Marshal Pétain to enter Switzerland.

Paris Tass reports of 26th April quote French Ministry of Information report that Marshal Pétain asked permission from the Swiss Government to enter Swiss territory in order to surrender to the French authorities at the frontier. The actual date and locality for the surrender have been agreed

Last Paper.

25763

References.

(Print.)

(How disposed of.)

(Minutes.)

Pétain is now in France

Y.D. 28/4

Norwich Dept. 30/4

(Action completed.)	(Index.)
17/5	19/12/46

Next Paper.

25765

Z 194

[EN CLAIR] DEPARTMENTAL NO. 2

FROM MOSCOW TO FOREIGN OFFICE

Mr. Roberts.
No. 1584.
27th April, 1945.

D. 11.57. p.m. 27th April, 1945.
R. 7.20. a.m. 28th April, 1945.

6 6 6 6 6

Paris Tass most papers twentysixth quote French Ministry of Information report that Petain asked for permission from Swiss Government to enter Swiss territory in order surrender to French authorities at French frontier. Swiss and French Governments have agreed on actual locality and date for this event.

Z 5264
28 APR 1945

APR
FOREIGN OFFICE REGISTRY

65

Z

1945

FRANCE

Z 5265

28 APR 1945

195

Registry Number Z 5265/255/17

TELEGRAM FROM
Mr. Duff Cooper, Paris.

No. 209 Saving.

Dated 26th May,

Received in Registry 28th May, 1945.

Z: France

Trial and condemnation of General Dentz.

Refers to Paris telegram No.641 (Z 5022/255/17) and gives a record of the trial of General Dentz. Gives a list of the charges against him and a summary of his activities, and of his defence. Refers to the alleged Petain-Churchill Agreement and adds that the trial of Marshal Pétain is due to open on 17th May.

Last Paper.
28264

References.

(Print.)

(How disposed of.)

(Minutes.)

First two sentences of para. 6: the question of a Stalement about the alleged Pétain - Churchill agreement is being pursued on other papers (see eg. Minute to P.M. on Z5257. (in Dept 3/5)

F.J.S. 2/5

Eastern Dept. 5.

(Action completed.)	(Index.)
2/6.	18/12/46

Next Paper.

Z 5306

195A

Z 5265

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on].

[EN CLAIR] SPECIAL (POLITICAL)

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper.
No. 209 Saving.

26th April, 1945.

D. 26th April, 1945.

R. 4.50 p.m. 27th April, 1945.

rrrrrr

Z 25022

Following is more comprehensive record of trial of General Dentz than that contained in my telegram No. 641:

The trial opened on April 18th and lasted for three days. The presiding judge and the Public Prosecutor were the same as in the case of Admiral Esteva. The jury consisted as before of 12 parliamentarians and 12 members of the Resistance. The defence was conducted by Maitre Vesenne Larue and Maitre Alcide Delmont.

General Dentz was condemned to death, military degradation and confiscation of property on the following charges:

(a) Having delivered arms to the rebels in Iraq:

(b) Having handed over Syrian air bases to the Germans:

(c) Having taken measures to ensure secrecy concerning the installation of the Luftwaffe in Syria:

(d) Having organised armed resistance to de Gaullist and British troops:

(e) Having demanded during operations against the Allies reinforcements from the Germans in men and in dive bombers.

2. General Dentz was appointed High Commissioner in Syria in December 1940. A few months later the revolt in Iraq took place. The Germans demanded arms from the French forces in Syria to help the rebels in Iraq. According to Dentz's account he "resisted" this demand by furnishing considerably less than the Germans demanded.

3. His defence against the charges of surrendering Syrian air bases to the enemy was that in fact he could not resist, and that he did his best to expedite the departure of the planes from Syrian territory as soon after their arrival as possible.

4. On the charge of armed resistance to Allied troops, he maintained that if he had allowed them to enter the country without striking a blow the Germans would have immediately

/occupied.....

28 APR 1945 F.O. REGISTRY

7. 5265

occupied the whole of British North Africa.

5. No substantial case for the defence could be made out of attempts to show that General Dentz acted in good faith towards the Allies. The strongest point scored by defending Counsel was their reference to the Convention of St. Jean d'Acre, a note signed in July 1941 by Generals Maitland Wilson and Catroux which brought hostilities in Syria to an end. By this note the Allies recognised, according to Maitre Larue, that "they harbour no animosity against the French in Syria; that they are disposed to grant complete amnesty as regards the present hostilities, and that they have no grounds for complaint against any of the military or civil leaders in Syria". Furthermore, the note included a paragraph to the effect that General de Gaulle "who has never demanded reprisals against any of his countrymen who have fought in obedience to orders received, has no intention of acting differently in the present circumstances." One of the reasons given in the French press why General Dentz was not allowed to benefit by the terms of this note is that at that time the details of his treachery were unknown and have only now been brought to light by a study of the messages passing between him and the Vichy Government while he was High Commissioner for Syria.

6. Brief reference was also made by the defence to the fictitious Petain-Churchill agreement. The public prosecutor interrupted the defending council to say that Mr. Churchill had twice already publicly denied the existence of such an agreement. Other points concerning Great Britain made by the defence were that we had been kept informed of the movements of every German plane entering and leaving Syria by one of Dentz's subordinate officers thanks to the General's connivance; that we had shown understanding and sympathy with the General's position after hostilities by receiving him with military honours, and that General Maitland Wilson had shaken hands with him before sending him back to France. General Dentz himself during his examination on the first day of the trial had drawn attention to what he termed his extremely cordial relations with the British Consul General at Beirut.

7. The trial was conducted with dignity and there were no demonstrations of any kind from the public. General Dentz started his case on the first day with an air of great confidence which gradually declined during the trial until at the end he showed obvious signs of nervous strain and seemed himself to be convinced of the futility of his defence. Public interest in the trial has been far less than in the case of Admiral Esteva.

8. It has been announced in the Press that the trial <u>par contumace</u> of Marshal Pétain is due to open on May 17th.

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Z

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FRANCE

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30 APR 1945

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Registry Number Z 5306/255/17

TELEGRAM FROM

Mr. Roberts, Moscow

No. 1597.

Dated 28th April, 1945.

Received in Registry 30th April, 1945.

Z: France.

Moscow Press reports on Marshal Pétain's return to France.

Paris Tass of 27th April reports that M. Pétain's proposed return to France has been under discussion for some time. Reactions are summarised.

Last Paper.

Z 5265

References.

(Print.)

(How disposed of.)

(Action completed.)

17/5

(Index.)

19/12/46

(Minutes.)

30/4

Northern Dept.

Next Paper.

Z 5320

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Z 5306

29 APR 1945

[EN CLAIR] DEPARTMENTAL NO. 2

FROM MOSCOW TO FOREIGN OFFICE

Mr. Roberts
No. 1597

28th April, 1945

D. 11. 1 p.m. 28th April, 1945

R. 5.15 a.m. 29th April, 1945

777

Paris Tass some papers April 27th reports that according well informed sources conversations between French and Swiss authorities on Petain's return began some days ago. Opposing his imprisonment and favouring his retention under supervision in Paris, Council of Ministers on April 25th authorised Petain's return to France. Expected to return to Paris on April 27th his trial may be postponed to await return of former Vichy Ministers required as witnesses. "Petainist" press are attempting to "whitewash" the Marshal, while that of Resistance Movement demands speedy trial regarding his return to France as "A manoeuvre by Hitler"

APR 29 1945
F.O. REGISTRY

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Z

1945

FRANCE

Z 5320

30 APR 1945

Registry Number: Z 5320/255/17

FROM: Mr. Duff Cooper
Paris

No. 474
(69/37/45)

Dated 27th April

Received in Registry 30th Apr. 1945

Z: France

Purge in industrial undertakings.

Transmits extract from the "Journal Officiel" No. 76 of 30th March, giving text of Ordinance No. 45-511 of 29th March completing and modifying the ordinance of 16th November, 1944 on the purge in industrial enterprises.

Last Paper.

Z 5306

References.

Z 8141/3794/17: 1944

(Print.)

(How disposed of.)

8) Miss McLeod, M.of I.
Mr. Lyal, D.O.T.
May 11

(Minutes.)

Copy { Miss McLeod, M. of I.
Mr. Lyal, D.O.T.

YD 9/5

Library 14/5

T.O.D. CS 31/5

(Action completed.)

11/6

(Index.)

12/12/46

Next Paper.

Z 5404

200
2.

No. 474
(69/37/45)

HIS Majesty's Ambassador at Paris presents his compliments to H.M.Princ. Sec. of State for Foreign Affairs, and has the honour to transmit to him the under-mentioned documents.

British EMBASSY,
PARIS

27th April, 1945.

Reference to previous correspondence:

Description of Enclosure.

Name and Date.	Subject.
Extract from Journal Officiel No. 76, 30.3.45.	Ordinance No. 45-511 of 29.3.45. Purge in undertakings.

Z 5320
30 APR 1945

/IMJ

201

Journal Officiel N°76 March 30th 1945

Ordonnance n° 45-511 du 29 mars 1945 complétant et modifiant l'ordonnance du 16 octobre 1944 sur l'épuration dans les entreprises. 2 G 41/3794/17

EXPOSE DES MOTIFS

L'expérience a démontré qu'il était utile de compléter l'ordonnance du 16 octobre 1944 sur l'épuration des entreprises, dans le double but de mettre à la disposition des organismes qu'elle institue des sanctions plus adéquates et d'apporter certaines précisions dans le fonctionnement de ces organismes; tel est l'objet de la présente ordonnance.

Des mesures nouvelles de sanction professionnelle se sont révélées nécessaires pour que des sanctions appropriées puissent être prononcées à l'encontre des patrons et dirigeants des entreprises. La seule mesure qui leur fut pratiquement applicable, l'interdiction de conserver un poste de commandement, n'instituait en effet aucune privation des prérogatives qui découlent juridiquement du droit de propriété.

D'autre part, il a paru utile, pour les cas où la responsabilité n'était engagée que par des fautes vénielles, de prévoir une sanction d'ordre surtout moral: l'affichage de la décision au lieu du travail et, pour tous les cas, la possibilité d'une publicité par insertions dans la presse. Communication de toutes ces mesures est faite au procureur de la République du domicile de l'intéressé.

L'article 1er a été complété de manière que les pouvoirs de direction, d'administration que comporte normalement leur qualité, puissent être interdits aux chefs d'entreprises, propriétaires, présidents, directeurs généraux, administrateurs ou associés de toute société commerciale, ces interdictions étant soit limitées à une entreprise déterminée, soit étendues à une ou plusieurs catégories d'entreprises, soit même à toutes sortes d'entreprises.

D'autre part, les mesures prévues par l'ordonnance avaient un caractère provisoire et prenaient fin le jour où une décision pénale était prononcée. Afin d'éviter toute contrariété de jugement, il est précisé qu'en cas de condamnation comportant une peine d'indignité nationale, les interdictions professionnelles qu'elle emporte se substituent aux mesures prononcées en vertu de l'ordonnance sur l'épuration des entreprises.

Si les poursuites aboutissent à une condamnation ne comportant pas l'indignité nationale, ou à un non-lieu, le parquet saisit l'organisme professionnel compétent.

Si aucune poursuite n'a été intentée au bout de six mois à partir de la décision instituant les interdictions professionnelles, l'intéressé peut saisir, suivant le cas, le comité régional ou la commission nationale. La prorogation de la durée des interdictions professionnelles peut atteindre six mois ou deux ans pour les mesures prévues aux paragraphes *c*, *e*, *f*, *g*, de l'article 1er; la prorogation de six mois primitivement prévue pour tous les cas pouvant être trop faible pour constituer une sanction suffisante à l'égard d'un patron, alors qu'elle constitue une mesure rigoureuse dans le cas d'un salarié suspendu de ses fonctions.

Le fonctionnement pratique des comités régionaux a, d'autre part, fait apparaître qu'il serait avantageux de prévoir expressément la possibilité de désigner des membres suppléants, et de préciser que la voix du magistrat président était prépondérante en cas de partage.

Ces modifications sont réalisées par les articles 17 *bis* et 18 *bis* nouveaux.

Le Gouvernement provisoire de la République française,

Sur le rapport du garde des sceaux, ministre de la justice, du ministre de la production industrielle, du ministre du travail et de la sécurité sociale, et du ministre de l'économie nationale,

Vu l'ordonnance du 3 juin 1943 portant institution du Comité français de la libération nationale, ensemble les ordonnances des 3 juin et 4 septembre 1944;

Vu l'ordonnance du 28 novembre 1944 modifiant et complétant les textes relatifs à la répression des faits de collaboration;

Vu l'ordonnance du 26 août 1944 instituant l'indignité nationale modifiée par les ordonnances du 30 septembre et du 17 octobre 1944;

Vu l'ordonnance du 16 octobre 1944 sur l'épuration des entreprises;

Vu l'ordonnance du 2 février 1945 complétant à l'intention du personnel des coopératives l'ordonnance du 16 octobre 1944 sur l'épuration des entreprises;

Le comité juridique entendu,

Ordonne:

Art. 1er. — L'article 1er de l'ordonnance du 16 octobre 1944 sur l'épuration dans les entreprises est abrogé et remplacé par les dispositions suivantes:

« Toutes personnes participant, à quelque titre que ce soit, à la vie d'une entreprise, qui ont, depuis le 1er septembre 1939:

« 1° Soit favorisé les desseins de toute nature de l'ennemi;

« 2° Soit contrarié l'effort de guerre de la France et de ses alliés ou entravé la résistance des Français, notamment par des dénonciations,

seront l'objet, sans préjudice des poursuites pénales et des mesures administratives prévues par les lois et règlements en vigueur, des mesures restrictives d'activité professionnelles suivantes:

« *a*) Le blâme avec ou sans affichage au lieu du travail;

« *b*) Le déplacement d'office;

« *c*) La suspension ou la mise à pied, avec ou sans traitement;

« *d*) Le licenciement, avec ou sans indemnité;

« *e*) L'interdiction de conserver un poste de commandement dans l'entreprise ou la profession considérée, cette mesure pouvant être prononcée seule ou conjointement avec une ou plusieurs autres;

« *f*) Interdiction de faire partie de conseils d'administration ou de surveillance de sociétés commerciales;

« *g*) Interdiction d'exercer les pouvoirs de gestion ou d'administration qu'implique la qualité d'associé;

« *h*) La publication des mesures précédentes, aux frais de l'intéressé, dans un ou plusieurs journaux.

« Les interdictions prévues aux paragraphes *c*, *e*, *f*, *g*, sont prises, à titre provisoire, et peuvent viser soit une entreprise déterminée, soit toutes les entreprises similaires, soit toutes entreprises commerciales, de banque ou d'assurance.

« Les mesures prévues au présent article sont portées à la connaissance du procureur de la République du domicile de l'intéressé, par l'autorité qui les a prononcées.

« Ces dispositions ne s'appliquent pas aux personnels visés par l'ordonnance du 27 juin 1944 ».

Art. 2. — L'article 2 de l'ordonnance du 16 octobre 1944 susvisée est abrogé et remplacé par les dispositions suivantes:

« En cas de condamnation à l'indignité nationale, les interdictions professionnelles résultant de cette condamnation se substituent à celles qui ont été prononcées ou proposées par les organismes institués par la présente ordonnance.

« En cas de poursuites pénales ayant abouti à une autre condamnation devenue définitive, le parquet saisit l'organisme institué par la présente ordonnance, qui a connu de l'affaire. S'il s'agit de la commission nationale instituée par l'article 9, celle-ci décide définitivement au sujet de la durée des mesures qu'elle n'avait prises qu'à titre provisoire en vertu de l'article 1er. S'il s'agit du comité institué par l'article 3, celui-ci adresse des propositions définitives à l'autorité administrative compétente.

« Si les poursuites ont abouti à un non lieu, ou si aucune poursuite n'a été intentée dans les six mois à partir des mesures de sanction professionnelle, l'intéressé peut saisir l'organisme institué par la présente ordonnance, qui a connu de l'affaire. Celui-ci décide ou propose selon le cas à l'autorité administrative compétente, de mettre fin à ces mesures ou d'en proroger l'exécution pour une durée qui ne peut excéder six mois à partir du jour où il est saisi par l'intéressé, ou deux ans s'il s'agit de mesures prévues aux paragraphes *e*, *f*, *g*, de l'article 1er ».

Art. 3. — Il est adjoint à l'ordonnance susvisée, un article 17 *bis* ainsi conçu:

« En cas de partage égal des voix, au sein des organismes institués par la présente ordonnance, la voix du magistrat président est prépondérante ».

Art. 4. — Il est adjoint à l'ordonnance du 16 octobre 1944 susvisée un article 18 *bis* ainsi conçu:

« Dans les conditions prévues aux articles 4 et 9 de la présente ordonnance, il peut être désigné des membres suppléants en nombre égal à celui des membres titulaires ».

Art. 5. — Les dispositions de la présente ordonnance sont applicables à l'épuration du personnel des coopératives régies par l'ordonnance susvisée du 2 février 1945.

Art. 6. — La présente ordonnance sera publiée au *Journal officiel* de la République française et exécutée comme loi.

Fait à Paris, le 29 mars 1945.

C. DE GAULLE.

Par le Gouvernement provisoire de la République française:

Le garde des sceaux, ministre de la justice,
FRANÇOIS DE MENTHON.

Le ministre de la production industrielle,
ROBERT LACOSTE.

Le ministre du travail et de la sécurité sociale,
ALEXANDRE PARODI.

Le ministre de l'économie nationale,
PIERRE MENDÈS-FRANCE.

66

Z

FRANCE

1945

Z 5404

1 MAY 1945

202

Registry Number	Z 5404/255/17
FROM	Chancery, Paris, to Western Department
No.	69/38/45
Dated	28th April
Received in Registry	1st May 1945
Z:	France

Testimony to Monsieur Maurice Escoffier.

Encloses draft of testimony to Monsieur Maurice Escoffier, who is in danger of imprisonment for his friendship for Marshal Petain, and asks for a certificate on these lines to be sent for use in his defence.

Last Paper.

Z5320

References.

(Print.)

(How disposed of.)

Dft/Chancery, Paris
from Western Dept.
May 7.

(Minutes.)

I have consulted Sir Godfrey Thomas, who says that Mr. Escoffier was in fact taken in Rennes by H.M.Forces, and he can see no harm in the Embassy giving him a certificate stating the fact, if they see no objection from their angle.

The Duke keeps up with Monsieur Escoffier in Latin years, when he returns from his professorial functions & has a book-shop in Paris.

Sir G. Thomas does not think it necessary to consult H.M.G.

See amendments in draft.

Draft Paris Chancery

(Action completed.)	(Index.)
12/5	11/12/46

Next Paper.

Z5411/5

Z.

203.

BRITISH EMBASSY,

PARIS.

69/38/45.

Z 5404

1 MAY 1945

28th April, 1945.

Dear Department,

We have been approached by a M. Maurice Escoffier of Reyrieux, Ain, who has asked whether it would be possible for the Embassy to give him a paper which would confirm the fact that he had been French tutor to H.H. the Duke of Windsor from April to August 1912 whilst H.H. was with the Marquis de Breteuil studying French.

Monsieur Escoffier is an old man and is in some danger of being purged for his friendship with Pétain. If you are in agreement we would propose to give him a certificate on the lines of the attached draft which his counsel think might be of use in his defence.

Yours ever,

Chancery.

Western Department,
Foreign Office.

DRAFT

TO WHOM IT MAY CONCERN:

This is to certify that Monsieur Maurice Escoffier acted as French tutor to H.R.H. the Duke of Windsor, then the Prince of Wales, from 1st April until 2nd August 1912 during His Royal Highness' stay in France.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. 25404/255/17

205

OUT FILE 1st May 1945

5v

Draft. ✓ OK
Chancery
Paris
from
Western Dept

F.O. 3/5

Dear Chancery

Be good enough to call at Buckingham Palace about your letter 69/38/45 of the 28th April concerning M. Maurice Escoffier, ~~of Belgravia~~, ~~Paris~~, a former tutor to H.R.H. the Duke of Windsor, who is now in some danger of being purged for his friendship with ~~Britain~~.

2. Sir Godfrey Thomas has confirmed that M. Escoffier was in fact a French tutor to H.R.H. and see therefore no objection to your ~~corresponding~~ furnishing him with the proposed certificate for use in his

his defence. if there is no
objection from your angle. ~~he~~
~~would however, point out that~~
however,
The Duke of Windsor showed, ~~he~~
in his certificate
referred to [as His Royal Highness.
~~and not merely his Highness.~~

Yours ever

Western Dept.

pp 3/5

NOTHING TO BE WRITTEN IN THIS MARGIN.

207

OUT FILE

(Z 5404/255/17)

FOREIGN OFFICE,
S.W.1.

7th May, 1945.

Dear Chancery,

We have consulted Buckingham Palace about your letter 69/38/45 of the 28th April concerning M. Maurice Escoffier, a former tutor to His Royal Highness the Duke of Windsor.

2. Sir Godfrey Thomas has confirmed that M. Escoffier was in fact a French tutor to His Royal Highness and we therefore see no objection to your furnishing him with the proposed certificate for use in his defence, if there is no objection from your angle. The Duke of Windsor should, however, be referred to in the certificate as His Royal Highness.

Yours ever,
Western Department.

The Chancery,
British Embassy,
Paris.

Z 5416 /G
1 MAY 1945

10 1945 WESTERN 208

Z 5416/255/G/7

Mr Duff Cooper
Paris
215 Saving
Dated 29 April
Received 1 May.

Alleged - Pétain - Churchill agreements

Refs to F.O. tel (Z 3955/255/9) states that according to the press M. Ronjier has sent a telegram to French judicial authorities stating that he is holding documents confirming declarations concerning Pétain - Churchill agreements.

Last Paper.
Z 5191

(Minutes.)

References.

Now see P. this minute
M 428/5 - also record by me.

(Print.)

Mr Makins's talk.

Sir O. Sargent wishes to
record to the change with the
P.M. - through written memorandum
M. Makins's approach.

Roger Makins

1. 5

Seen by Sir O. Sargent
pm 7/5

(How disposed of.)
Rptd Washington 4402
1 May

(Action completed.)	(Index.)
S.J. 6/6	

Next Paper.
Z 5995

REGISTRY **REPETITION OF TELEGRAMS.** 1/5 209

[redacted] 2546/265/G. (Date) .....

(Despatched) 6.50 P.M.

(1) CYPHER ROOM,
FOREIGN OFFICE.

Please repeat to the posts shown below telegram No. 215 saving

from/~~to~~ Paris dated April 29th

Washington (No. 4402) en code.

..... (No. .....) 1/5/45.

..... (No. .....)

(Signed) R. Speaight

(Dept.) .....

(Date) May 1st

(2) DIVISION CONCERNED (FOR ARCHIVES).

210

Z

Z 5416

1 MAY 1945

[EN CLAIR] DEPARTMENTAL No 2

FROM PARIS TO FOREIGN OFFICE

Mr Duff Cooper

No 215 Saving D. 29th Aprul 1945

29th April 1945 R.4.50 p.m. 30th April 1945

c c c

Your No 518 Saving. Z 3955/255/G

It is reported in the press of April 27th that M. Louis Rougier described as a teacher residing at 270 Riverside Drive, New York, has sent a telegram to the French judicial authorities saying that he is holding at the disposition of Flandin's counsel certain documents which entirely confirm declarations concerning the Pétain-Churchill agreements.

Rougier has requested the French Ambassador in Washington to urge that an investigating commission be sent to the United States. He has also asked the lawyers of both Dentz and Flandin to get in touch with him.

1 MAY 1945
F. O. REGISTRY

211

Z

1945

FRANCE

Z 5435

2 MAY 1945

Registry Number: Z5435/255/17

TELEGRAM FROM
Mr. Duff Cooper
Paris.
No. 217 Saving.

Dated 29th April 1945.

Received in Registry: 2nd May 1945.

Z :

Arrival in France of Marshal Pétain and his party.

Reports the arrival in France on 26th April of Marshal Pétain with his wife, Admiral Bléhaut, General Debeney and St. de Voussian Sacy and his arrest. He is now in the Fort of Montrouge. Summarises impressions in France on the question of his trial.

Last Paper.

Z5466/9

References.

(Print.)

France Volume

(How disposed of.)

(Minutes.)

We have had most of the info. given here, but please see last four sentences of para. 3.

F.C.S. inform 2/5

pres. 2/5

(Action completed.)

(Index.)

14/12/46 gmd

Next Paper.

Z5689

29082 F.O.P.

[5435/255/17]

212

Z 5435

[EN CLAIR] GENERAL DISTRIBUTION 1 MAY 1945

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper to Mr Eden.
(No. 217, SAVING) D. (By bag) 29th April, 1945
29th April 1945 (received R. 4.20. p.m. 1st May, 1945)

(Telegraphic) 8 8 8 8 Paris, 29th April, 1945

Marshal Pétain, accompanied by his wife, Admiral Blehaut, General Debeney and Lieutenant de Vaisseau Sacy, arrived at the French frontier on the 26th April. There the warrant for his arrest was read out to him and he was taken into custody by General Koenig, M. Carrive, the Deputy Director of Public Prosecutions and M. Laurent, Public Prosecutor to the Court of Justice of the Seine Department. The party travelled to Igny, just outside Paris. Thence they were driven to the Fort of Montrouge where special accommodation has been prepared for the Marshal.

2. It is reported in the press that the trial may take place before the 1st July. The examining commission consisting of ten magistrates will endeavour to expedite their work by obtaining evidence from the United States and Great Britain by telegram. The three principal charges that will be brought against the Marshal are said to be that of having tried to eradicate from the hearts of the French people all hope of final victory; of having dishonoured France and of having stabbed the Allies in the back.

3. The Public Prosecutor Mornet gave an interview to the Associated Press in which he is reported as saying "Pétain deserves death for his conduct but I shall ask for the jury's indulgence on account of his great age". Mornet has been obliged to rectify this statement by a further public declaration, this time to French Press Agency. He now says that he will ask for the death sentence but that it remains for the executive power to decide whether the sentence is carried out. Mornet's statement clearly shows the sympathy of one very old man for another and has served to aggravate further the storm over the fate of the Marshal. The authorities are embarrassed by Pétain's presence and will do their utmost to expedite his trial. His return to France at a moment when the terrible conditions in the camps of political prisoners in Germany are receiving all possible publicity has made the demand for his immediate trial the more urgent. Photographs of French prisoners in Buchenwald are claimed by the Resistance and the Left to be unanswerable evidence for the death sentence. The Government is severely criticised by the Communists for ordering a special train and for the employment of 200 workmen in preparing the Marshal's accommodation in Montrouge.

4. There is evidence of some support for Petain in Right Wing quarters in the Provinces and the arrest is reported of a man who mounted the platform recently at an election meeting and spoke in favour of Pétain.

2

/ 5. ....

MAY 1945 E.O. REGISTRY

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5. The Conseil National de Résistance had published a resolution expressing indignation at the provocation represented by Pétain's return to France "who dares to present himself before public opinion as if unconscious of his crimes". The resolution demands his immediate trial and execution. It would seem at the moment that if general de Gaulle were to commute a death sentence without imposing some other form of punishment including military degradation and the confiscation of property he would provoke Resistance and the Left to such outraged opposition as might be a real danger to public order and the stability of the Government.

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1945

Z

FRANCE

Z 5489

3 MAY 1945

Registry Number } Z 5489/255/17

TELEGRAM FROM United Kingdom Delegation, San Francisco.
103.

Dated 2nd May 1945.

Received in Registry } May 3rd 1945.

Z:

Alleged pact between Mr. Churchill and Marshal Petain.

Refers to Foreign Office telegram No.177 (Z 5257/255/17), and gives message from the Secretary of State to Sir O. Sargent, reporting that there are no comments on text contained in Foreign Office No.178
Repeated Washington.

Last Paper.

25435 (Z5257) – in Dept. copy of ref attached

References.

be are awaiting a further reply from the Prime Minister

Please see also:—

25262/255/17,
25848/255/17,
25265/255/17,
} still in Dept

(Print.)

(How disposed of.)

(Action completed.)	(Index.)
90 4/5	13/12/45 gmd

Next Paper.

25291

215

[EN CLAIR] DEPARTMENTAL NO.1.

FROM UNITED KINGDOM DELEGATION, SAN FRANCISCO TO FOREIGN OFFICE.

No. 103.

2nd May, 1945.

D. 8.21 p.m. E.S.T. 2nd May, 1945.
[5.21 a.m.D.B.S.T.2nd May,1945.]

R. 5.35 a.m.D.B.S.T.2nd May,1945.

Repeated to Washington.

ZZZZZZZ

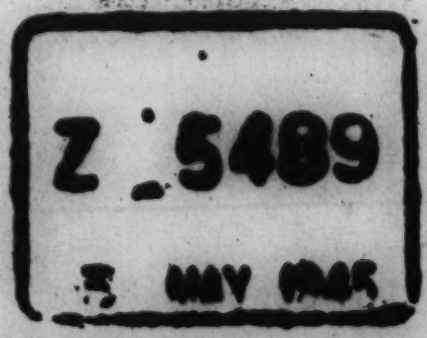
IMMEDIATE.

Z 5257/255/17
Wps to Wdom 4346

Your telegram No. 177.

Following from Secretary of State for Sir O. Sargent.

Neither Lord Halifax nor I have any comments on the text contained in your telegram No. 178,



To

Z

Z 5496

3 MAY 1945

216

1945

FRANCE

Registry Number } Z 5696/255/17

TELEGRAM FROM
Mr. Roberts, Moscow

No. 1636

Dated 1st May 1945.

Received in Registry 3rd May 1945.

Z

Moscow Press reports of French reactions to Petain's return.

Gives Moscow Press reports of the French National Resistance Council's adoption on April 27th of a resolution demanding the immediate trial of Marshal Pétain,

Last Paper.
Z 5489

References.

(Minutes.)

Reported Paris (saving)

FLD 3/5

Northern Dept.

(Print.)

(How disposed of.)
Rptd Paris 800 saving

(Action completed.)
JHQ 11/5

(Index.)
14/12/46
3rd

Next Paper.
Z 5559

217

REGISTRY No. Z5496/255/17

REPETITION OF TELEGRAMS.

(Date) 4/5

(Despatched) 8.45 p.m.

(1) CYPHER ROOM,
FOREIGN OFFICE.

Please repeat to the posts shown below telegram No. 1636

from ~~to~~ Moscow dated May 4th

H.M. Ambassador, Paris (No. 800 Saving)

..... (No. .....)

..... (No. .....)

May 4

(Signed) F. A. Simpson

(Dept.) Western

(Date) 3/5/45

(2) DIVISION CONCERNED (FOR ARCHIVES).

[En clair] DEPARTMENTAL NO. 2.

Z

218.

FROM MOSCOW TO FOREIGN OFFICE.

Mr. Roberts.
No. 1656

D. Untimed 2nd May, 1945.

R. 1.0 a.m. 3rd May, 1945.

1st May, 1945.

- - - -

Paris Tass in all papers April 29th give French Press report that at meeting of French National Resistance Council on April 27th resolution demanding immediate trial of Pétain was unanimously adopted. Resolution is quoted.

Prayda's international review April 29th notes that Pétain's return is realised by French Press as being Germany's last card on eve of general elections in France and of fall of Berlin to gain support of fifth column. Figaro and Robert Lloyd, Reuter's correspondent, are criticised for attempting to whitewash Pétain. Suspicious activity of his supporters must increase vigilance of French patriots.

MAY 1945
F.O. REGISTRY

Z 5496
3 MAY 1945

1945

Z

FRANCE

Z 5550

4 MAY 1945

219

Registry Number Z 5550/255/17

FROM Mr. Duff Cooper
Paris.

No. 774/8/45
No. 486

Dated 1st May:1945

Received in Registry 4th May:1945

Z : France. +

Forthcoming trial of General Dentz.

Refers to Foreign Office telegram No. 774 (Z 5022/255/17) and transmits copy of letter of 25th April from M. Delmont, General Dentz' defending Counsel, and text of 2 British notes of 21st June and 10th July, 1941.
Asks what reply he is to make to General Dentz' lawyers.

Last Paper.

Z 5496

References.

(Print.)

(How disposed of.)

Off | Major House, 100 from Mr Hebble-thwaite
Aug-31
Off | Paris No. 1049
(Wences) June 18

(Action completed.)

(Index.)

13/12/46

Next Paper.

(27854)
Z 5570

(*Minutes.*)

If these notes are genuine it seems to me that we were asking for trouble. It seems an astonishing way to have treated men who were shedding British blood & (in the case of Gen. Dentz) deliberately plotting to help the Germans.

Eastern Dept (Prob).

R.M. Spaight 14/5

General Wilson went badly "off the rails" in the Armistice negotiations, but whether or not these notes (before the Armistice) were authorised, I cannot say. Library could be asked to look up the correspondence.

I enquire what we don't want to

220

to get drawn into correspondence on the subject with General Dentz's defending counsel. Would it not be sufficient to reply to them that if the French authorities wish Horfood to supply any official information on the subject, the application should be communicated officially through the French Mtg. for F.A.

15/5

I agree that we ought to avoid getting drawn into an argument with General Dentz's lawyers and that it would be best to reply to them in the sense suggested by Mr. Baxter. But before telling the Embassy to take action in this sense ought we not to try to find out whether the documents are in fact genuine? Otherwise, if the Embassy simply write to the lawyers as suggested by Mr. Baxter, the latter will infer that the documents are in fact genuine. If this is not the case, then there will presumably be no objection to the Embassy telling the lawyers so forthwith. ——

reasonable advantage

May 16th 1945.

This paper only reached me on June 2nd and I have had to look up all the 1941 E/C pp about the Syrian Armistice.

From the attached pp. it would seem that these documents are authentic

As regards the first enclosure see E 3188/62/A (flag A) and pp. tel #3404 on #3169/A (flag B) pages 1 & 2

A.S.

221

As regards the second enclosure see Paris telegram No. 1916 (Flag C) to E 3203/G. The U.S. Consul General at Beirut was given this information for his own guidance but not for communication to the French.

See however E 3215/G (Flag D) in which U.S. Consul General was empowered to convey outline of these terms to the French. I can find not trace of the second document enclosed being the form under which he did so.

J D Head 6/6

The War Office have been unable to produce anything useful in reply to Mr. Hebblethwaite's letter to Major House within but, as Sir Francis Head says, a perusal of the further Eastern Department papers which have now been produced establishes beyond any reasonable doubt that both the documents produced by General Dentz's Counsel are genuine.

What happened was that the French High Commissioner at Beirut (i.e., General Dentz) enquired through the U.S. Consul General while hostilities were still in progress what terms he could expect to obtain (Washington telegram No. 2826 in E.3169/G of 1941). The U.S.

Government ...

Flag B

Nothing to be Written in this Margin.

Government were given an outline of our terms in language virtually identical with that of the first document (Foreign Office telegram No.3404 to Washington in E.3169/G) and these were duly communicated to General Dentz by the U.S. Consul General in a Memorandum (enclosure to Mr. Hirschel Johnson's letter of July 3rd to Sir William Strang in E.3688/G of 1941). The first document is evidently a translation back into English from the French version of that Memorandum. flag A

Meanwhile General Maitland Wilson had prepared his own version of possible armistice terms. Cairo telegram No. 1916 of June 19th, 1941 (E.3203/G) stated that "Commanders in Chief, after discussion and in full agreement with General de Gaulle, suggest jointly with him that following terms be offered immediately to Vichy authorities in Syria through U.S. Consul General, Beirut". There then followed a statement of terms which is virtually identical with the second document sent us by Mr. Duff Cooper. In our telegram No. 3447 to Washington in the same jacket we had told Lord Halifax that we thought it best to keep to the terms set out in our telegram No. 3404 but that it might be useful for the U.S. Consul General to have the text of Cairo's telegram No. 1916 "for his guidance but not for communication as such to the French authorities". I can find no evidence that we ever later authorised the communication to General Dentz of the terms of the Cairo telegram but it seems clear that the U.S. Consul General must have done so all the same. Such behaviour is not unusual with American diplomats! flag C

It ~~does~~ seem established that the first document is certainly authentic and was communicated to General Dentz with the approval of His Majesty's Government and that the second document is almost certainly also authentic, but that its contents were never endorsed by His Majesty's Government as such and its communication to the French not authorised.

I do not think that the foregoing can affect Mr. Duff Cooper's reply to General Dentz's Counsel but we ought to let him know briefly the true position. I attach a draft accordingly.

RMAH 8/6
Eastern Dept.

R.L. Speaight

8th June, 1945.

Nothing to be Written in this Margin.

Dunn Why have I this.
Joseph? Telegr.
to enclosed

Pl. see Mr. Becketts minute pm
on attached dfr. about Gen.
Desk. After discussion with
Mr. Hoyer-Millar I have
expanded the dfr. so as to meet
Mr. Becketts point. It seems
odd that the Quai d'Orsay
shd. know all the facts.

R. Speaight 12/6

Eastern Dept. Dunn 13/6

I agree that we
might so put the Quai d'Orsay in
possession of the facts.

Sent to Dept 31/5
Not received
Dept until
18/6.
Dunn
18/6

Nothing to be Written in this Margin.

seen by
Mr. Harvey
pm. 16/6

13.6

224

Western Dept

See attached E Green pp 27. 1941 do not throw much light.

It seems that the only thing to do is to ask the W.O. to let us see again the documents which they originally sent us in E7776/62/89/1941 in case there contains anything that is not in our print.

You will see that the Russian wants these papers back as they will be

28 March.

Minutes.

225

~~We[redacted] Dept.~~

File 62 / 1941.

~~Make E.~~

~~Library~~ Eastern Green Div.

Please research rapidly would you as to genuineness of documents here enclosed?

2. We had better ask W.O. if you've no confirmation. Ps are probably green.

R M A Hankey.

May 22

I think we ought to keep all Vichyite trials together wherever they collaborated, we shall get into endless confusion if we classify according to the place of their misdoings – the fundamental point is that they are being tried for crimes committed as Frenchmen against France.

D A B.
23.5.45.

Alright.
But please dig up these Ps soon

RMAH 25/5.

Nothing to be Written in this Margin.

1 genuine
2 sincerity

Eastern Department.

It rather looks as if there may be quite a lot of correspondence on this subject, and as if the question may turn upon the authenticity of these two documents and upon the authority of Field Marshal Wilson to give the assurance in question. As all the earlier papers were presumably Eastern, I wonder if it would not be better if these papers were transferred to you?

H R Hoyer-Millar

Yes.

16.5.45.

Library first

(P. see Mr Baxter's minute on jacket).

The notes are not among the papers in our custody. They were probably entered green

17/5

B&B 22/5

2.
227

BRITISH EMBASSY,
PARIS.

774/8/45.

No. 486.

Z 5550
4 MAY 1945

1st May, 1945.

Sir,

Z 5022/255/17

With reference to your telegram No. 774, I have the honour to transmit herewith copies of a second letter which I have received from General Dentz's defending counsel, together with the text of two British notes dated 21st June and 10th July 1941, to which they made reference during the hearing of General Dentz's case. Both these documents appear to be anterior to those recently forwarded in your despatch No. 647. Z 5022/255/17

2. I should be glad to be informed what reply I am to return to Maître Alcide Delmont and Maître Vésinne-Larue.

I have the honour to be, with great truth and respect,

Sir,

Your most obedient, humble Servant.

Duff Cooper

The Right Honourable
Anthony Eden, M.C., M.P.,
etc., etc., etc.,

COPY

Paris, le 25 avril 1945.

Monsieur l'Ambassadeur,

Nous avons l'honneur de vous accuser réception de votre lettre du 22 avril.

Notre demande d'un entretien, à la suite de l'arrêt de la Haute Cour de Justice dans l'affaire du Général DENTZ, a été trop succintement motivée, et nous nous en excusons.

Nous voulons sans tarder vous préciser avant tout qu'il n'a jamais été dans notre pensée que l'Ambassadeur de Sa Majesté pût intervenir dans une affaire de la Justice Française jugeant un citoyen français.

Nous avions souhaité, et nous souhaitons encore vivement avoir -- dans le cas où vous seriez en mesure, et où il vous paraîtrait possible de nous les fournir -- quelques indications autorisées sur le sens et la portée du Memorandum du 21 juin 1941, remis par M. VAN ENGERT, Consul Général des ETATS-UNIS au Général DENTZ, lorsque celui-ci manifesta le désir de conclure un armistice, et de la note Britannique du 10 juillet 1941, en réponse à la demande d'armistice formulée par le Gouvernement de Vichy.

Veuillez agréer, Monsieur l'Ambassadeur, l'assurance de notre haute considération.

(sgné) R. de Vésinne-Larue,
Avocat à la Cour de Paris.

(sgné) ..... Delmont,
Avocat à la Cour de Paris.

Monsieur l'Ambassadeur de GRANDE BRETAGNE
à PARIS

COPY

NOTE BRITANNIQUE EN REPONSE A LA DEMANDE DE SUSPENSION D'ARMES FORMULEE PAR LE GENERAL DENTZ (publiée le 12/7/41)

NOTE BRITANNIQUE.

Les Alliés n'ont pas d'autre but en SYRIE que celui d'empêcher qu'elle ne serve de base à des forces terrestres et aériennes ennemies contre leurs positions militaires dans le moyen Orient ils se sont également engagés à l'égard de la population arabe en lui donnant lors de leur entrée en SYRIE, une garantie d'indépendance. La GRANDE BRETAGNE a appuyé la déclaration du Général CATROUX. La représentation des Français dans le Levant sera assurée par les Autorités Françaises Libres dans le cadre de la promesse d'indépendance qu'elles ont donnée à la SYRIE et au LIBAN et à laquelle la GRANDE BRETAGNE est elle-même associée.

2. Les Alliés n'éprouvent aucun ressentiment d'aucune sorte contre les Français en SYRIE et sont disposés à accorder de plano une amnistie complète en ce qui concerne le récent combat. Ils n'ont aucun grief à formuler à l'égard d'aucun des chefs, des autorités ou des troupes en SYRIE.

Le Général de GAULLE qui n'a jamais sévi contre aucun de ses camarades de l'armée qui a combattu contre lui, en exécution des ordres qu'ils ont reçus, n'a pas l'intention de le faire dans les circonstances présentes.

3. Ils doivent cependant prendre des assurances pour empêcher le matériel de guerre de SYRIE d'être employé contre eu. Ce matériel doit, en conséquence, leur être livré.

4. En ce qui concerne les Troupes Françaises en SYRIE, pleine liberté doit leur être donnée de se joindre aux Forces Alliées dans leur lutte contre les Puissances de l'Axe. En même temps, les Alliés se réservent le droit de prendre les mesures propres à assurer la liberté et la sincérité du choix de chacun.

5. Toutes facilités doivent être données pour que chacun d'eux soit complètement averti de la situation et du choix qui lui est offert. Les membres des Forces Combattantes qui ne sont pas disposés à se joindre à la cause alliée seront rapatriés avec leur Famille, si les circonstances le permettent et lorsqu'elles s'y prêteront.

6. Des conditions honorables seront offertes à tous ceux qui souhaitent se joindre aux Forces Alliées. A ceux qui seront pris bons pour le service, on offrira de continuer à exercer leurs fonctions avec le grade qu'ils ont pendant l'enquête. Les autres seront honorablement traités en attendant leur rapatriement. A tous les officiers disposés à aider la cause alliée, on donnera autant que possible un emploi correspondant à leurs dispositions et à leur grade et leurs soldes seront garanties. Les autres gradés seront traités de la même manière que les officiers de l'Armée. Ceux qui ne sont pas disposés à aider la cause alliée seront rapatriés avec leur famille.

7. Les voies ferrées, ports, communications et installations radio, installations pétrolifères etc... ne seront pas endommagés ou détruits, mais remis aux Alliés pour leur usage. Les Forces Alliées auront le droit d'occuper militairement la SYRIE pendant la durée de la guerre.

8. Tous Allemands ou Italiens en SYRIE seront livrés pour être internés.

9. Tous les bâtiments de guerre seront remis intacts pour être internés et, en conséquence, seront amenés et maintenus à BEYROUTH comme base. Ils pourront être éventuellement dirigés ailleurs sur ordre du Commandant en Chef de la Méditerranée, si les conditions de sécurité l'exigent.

La restitution des bâtiments après la guerre ou leur compensation est garantie à une France amie.

10. Le blocus sera levé et la SYRIE et le LIBAN seront immédiatement mis en relation avec le bloc sterling.

11. Tous les Anglais faits prisonniers au cours des opérations de SYRIE et du LIBAN seront remis en liberté.

Le Gouvernement Britannique désire que vous fassiez clairement savoir au

Général/-

Général Dentz, en lui communiquant ces conditions que, suivant certaines informations, des officiers britanniques ayant été envoyés en FRANCE pour y être internés, les Autorités Britanniques seront dans la nécessité, aussi longtemps que durera la mise en liberté des prisonniers britanniques intéressés, d'interner un nombre suffisant de partisans de VICHY, en provenance de SYRIE afin de prévoir, le cas dans lequel des prisonniers de guerre anglais ne seraient pas restitués mais resteraient internés en FRANCE.

Le Gouvernement Britannique désire également que vous expliquiez que, si le Général DENTZ accepte les conditions contenues dans le présent mémorandum, comme base de négociations et répond dans ce sens, les Autorités Militaires Britanniques seront prêtes à cesser les hostilités et à rencontrer les représentants du Général DENTZ sans autre délai.

COPY

Mems. 21.6.41 - handed to General DENTZ by U.S. Consul Mr. Van Engert.

Far from desiring to impose any dishonorable terms on General DENTZ, His Majesty's Government are entirely prepared to accord full honors of war to him and other military and civilian officers who have only done what they conceived to be their duty to their Government.

There can therefore be no question of General DENTZ or any other military or civilian official being condemned to death or to any other penalty.

The High Commissioner, his staff, all French officers, and all service personnel who do not wish to remain will be repatriated as and when possible.

Negotiations for a cessation of hostilities to be carried on between General Sir Henry MAITLAND WILSON (representing the Commander in Chief) and represntatives of General DENTZ.

Hostilities to cease at once and all the compliments of war will be accorded to the military forces.

7A/8/45.

1st May, 1945.

No. 486.

Sir,

With reference to your telegram No. 7A., I have the honour to transmit herewith copies of a second letter which I have received from General Dentz's defending counsel, together with the text of two British notes dated 21st June and 10th July 1941, to which they made reference during the hearing of General Dentz's case. Both these documents appear to be anterior to those recently forwarded in your despatch No. 447.

2. I should be glad to be informed what reply I am to return to Maître Alcide Delmont and Maître Weismann-Larue.

I have the honour to be, with great truth and respect,

Sir,

Your most obedient, humble Servant.

The Right Honourable
Anthony Eden, M.C., M.P.,
etc., etc., etc.,

PWS/IMJ

233

COPY

Paris, le 25 avril 1945.

Monsieur l'Ambassadeur,

Nous avons l'honneur de vous accuser réception de votre lettre du 22 avril.

Notre demande d'un entretien, à la suite de l'arrêt de la Haute Cour de Justice dans l'affaire du Général DENTZ, a été trop succintement motivée, et nous nous en excusons.

Nous voulons sans tarder vous préciser avant tout qu'il n'a jamais été dans notre pensée que l'Ambassadeur de Sa Majesté pût intervenir dans une affaire de la Justice Française jugeant un citoyen français.

Nous avions souhaité, et nous souhaitons encore vivement avoir -- dans le cas où vous seriez en mesure, et où il vous paraîtrait possible de nous les fournir -- quelques indications autorisées sur le sens et la portée du Memorandum du 21 juin 1941, remis par M. VAN ENGERT, Consul Général des ETATS-UNIS au Général DENTZ, lorsque celui-ci manifesta le désir de conclure un armistice, et de la note Britannique du 10 juillet 1941, en réponse à la demande d'armistice formulée par le Gouvernement de Vichy.

Veuillez agréer, Monsieur l'Ambassadeur, l'assurance de notre haute considération.

(signé) R. de Vésinne-Larue,
Avocat à la Cour de Paris.

(signé) ..... Delmont,
Avocat à la Cour de Paris.

Monsieur l'Ambassadeur de GRANDE BRETAGNE
à PARIS

SECRET

234

NOTE RELATIVE AU REFUS A LA DEMANDE DE SUSPENSION D'ARMES FORMULEE PAR LE GENERAL DENTZ (remise le 12/7/41)

NOTE RELATIVE.

Les Alliés n'ont pas d'autre but en SYRIE que celui d'empêcher qu'elle ne serve de base à des forces terrestres et aériennes ennemies contre leurs positions militaires dans le moyen Orient. Ils ne sont également engagés à l'égard de la population arabe en lui donnant lors de leur entrée en SYRIE, une garantie d'indépendance. Le GENERAL DE GAULLE a apposé la déclaration du Général CATROUX. La représentation des Français dans le Levant sera assurée par les Autorités Françaises Libres dans le cadre de la promesse d'indépendance qu'elles ont donnée à la SYRIE et au LIBAN et à laquelle le GENERAL DE GAULLE est lui-même associé.

2. Les Alliés n'éprouvent aucun ressentiment d'aucune sorte contre les Français en SYRIE et sont disposés à aborder de plein gré amitié complète en ce qui concerne le récent conflit. Ils n'ont aucun grief à formuler à l'égard d'aucun des chefs, des autorités ou des troupes en SYRIE.

Le Général de GAULLE qui n'a jamais sévi contre aucun de ses camarades de l'armée qui a combattu contre lui, en exécution des ordres qu'ils ont reçus, n'a pas l'intention de le faire dans les circonstances présentes.

3. Ils doivent cependant prendre des assurances pour empêcher le matériel de guerre de SYRIE d'être employé contre eux. Ce matériel doit, en conséquence, leur être livré.

4. En ce qui concerne les Troupes Françaises en SYRIE, pleine liberté doit leur être donnée de se joindre aux Forces Alliées dans leur lutte contre les Puissances de l'Axe. En même temps, les Alliés se réservent le droit de prendre les mesures propres à assurer la liberté et la sincérité du choix de chacun.

5. Toutes facilités doivent être données pour que chacun d'eux soit complètement averti de la situation et du choix qui lui est offert. Les membres des Forces Combattantes qui ne sont pas disposés à se joindre à la cause alliée seront rapatriés avec leur Famille, si les circonstances le permettent et lorsqu'elles s'y prêteront.

6. Des conditions honorables seront offertes à tous ceux qui souhaitent se joindre aux Forces Alliées. A ceux qui seront pris bons pour le service, on offrira de continuer à exercer leurs fonctions avec le grade qu'ils ont pendant l'enquête. Les autres seront honorablement traités en attendant leur rapatriement. A tous les officiers disposés à aider la cause alliée, on donnera autant que possible un emploi correspondant à leurs dispositions et à leur grade et leurs soldes seront garanties. Les autres grades seront traités de la même manière que les officier de l'Armée. Ceux qui ne sont pas disposés à aider la cause alliée seront rapatriés avec leur famille.

7. Les voies ferrées, ports, communications et installations radio, installations pétrolifères etc... ne seront pas endommagés ou détruits, mais remis aux Alliés pour leur usage. Les Forces Alliées auront le droit d'occuper militairement la SYRIE pendant la durée de la guerre.

8. Tous Allemands ou Italiens en SYRIE seront livrés pour être internés.

9. Tous les bâtiments de guerre seront remis intacts pour être internés et, en conséquence, seront armés et maintenus à BEYROUTH comme base. Ils pourront être éventuellement dirigés ailleurs sur ordre du Commandant en Chef de la Méditerranée, si les conditions de sécurité l'exigent.

La restitution des bâtiments après la guerre ou leur compensation est garantie à une France amie.

10. Le Blocus sera levé et la SYRIE et le LIBAN seront immédiatement mis en relation avec le bloc sterling.

11. Tous les Anglais faits prisonniers au cours des opérations de SYRIE et du LIBAN seront remis en liberté.

Le Gouvernement Britannique désire que vous fassiez clairement savoir au

Général

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z 5550/265/17

Draft. Royce

A.H.
Major House
C2
M.O.7. Records
L.O.

Z 5022

OUT FILE

236.

31 May 45

Dear Major House.

I am informed that you might be able to assist us in the following matter.

~~He has~~ ref. explanation dispatch from Paris, but, from the reports we have consulted ~~hitherto~~,

You may recall that ~~the~~ General Dentz was condemned to death some time ago. I enclose copies of two telegrams on the subject (Paris tel: no 641 & our reply) from which you will see that ~~the~~ during the trial, Counsel for Defence, made certain damaging allegations which we refute.

You will see from ~~the~~ Paris dispatch no 486 however, that I also enclose herein,

that we have now heard the last of these allegations.

Our problem at present is to ascertain whether the documents, copies of which are enclosed in the Paris despatch no 486, are in fact genuine. From the records which we have consulted hitherto in this office, we have been unable to ascertain whether they are genuine or not.

I wonder therefore if you could help us to throw some light on this problem. Perhaps you would let us see once again the documents which were originally sent to us with FO letter of the 24 Nov 1941 (0144/7845 (M.O.5)? Any other suggestion you may have would be welcome.

As we are anxious to reply to the despatch from Paris as soon as possible, I should be grateful if you could look into this as a matter of urgency.

(Sgd) J. Hebblethwaite
30/5

NOTHING TO BE WRITTEN IN THIS MARGIN.

FOREIGN OFFICE, S.W.1.

238

(Z 5550/255/17) OUT FILE 31st May, 1945.

Dear Major House.

I am informed that you might be able to assist us in the following matter.

You may recall that General Dentz was condemned to death some time ago. I enclose copies of two telegrams on the subject (Paris telegram No: 641 and our reply) from which you will see that Counsel for Defence, during the trial, made certain damaging allegations which we rebutted.

You will see from Paris despatch No. 486 however, which I also enclose herein, that we have not heard the last of these allegations.

Our problem at present is to ascertain whether the documents, copies of which are enclosed in Paris despatch No. 486 are in fact genuine. From the records which we have consulted hitherto in this office, we have been unable to ascertain whether they are genuine or not.

I wonder therefore if you could help us to throw some light on this problem? Perhaps you would let us see once again the documents which were originally sent to us under cover of War Office letter of the 24th November, 1941 (0144/7845(M.O.5.)? Any other suggestion you may have would be welcome.

As we are anxious to reply to the despatch from Paris as soon as possible, I should be grateful if you could

look/

Major A.H. House,
G.2., M.O.7. Records,
War Office.

look into this as a matter of urgency.

Yours sincerely

S. Hebblethwaite

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z 5550/255/17

OUT FILE

FOREIGN OFFICE, S.W.1.
18 June, 1945. 240

R.L.S.

Draft.
H.M. Ambassador,
Paris.

No. 1049.

Eastern Dept. B/6.

Copy transmitted with copy Paris despy. 486.

Mr. Beckett first.

Sir,

I have to refer to Your Excellency's despatch No. 486 of May 1st last enclosing a letter from General Dentz's defending Counsel regarding two communications alleged to have been made to General Dentz on behalf of His Majesty's Government during the hostilities in Syria in 1941.

2. I consider that it will be sufficient for you to state in reply to Maître Alcide Delmont and Maître Vésinne-Larue that, if the French authorities wish His Majesty's Government to supply any official information about the circumstances under which the hostilities in Syria were terminated, an official approach should be made through the French Minister for Foreign Affairs and that it would not be appropriate for you to enter into correspondence on the subject through any other channel.

3. ~~For your own information, and for that of the Quai d'Orsay if they should approach you on the subject~~ In actual fact it appears that of the two documents produced by General Dentz's Counsel the first is certainly and the second probably authentic. The position is that General Dentz in his capacity as Vichy High Commissioner at Beirut enquired on his own initiative through the U.S. Consul General in Beirut, while fighting was still in progress, for an indication of the terms on which His Majesty's Government would be prepared to cease hostilities. This request was duly transmitted to His Majesty's Government, who asked the State Department to

instruct ...

tel. as marked ¶ para. 4.

I wonder if we should let Paris have this information for the Quai d'Orsay about what we told the Syrians at the time.

instruct the U.S. Consul General to reply in terms similar to those of the first of the two documents. At the same time the British Commanders in Chief had prepared in agreement with General de Gaulle an alternative statement of terms. It was suggested to the State Department that they should communicate these terms as well to the U.S. Consul General at Beirut for his guidance but not for communication to the Vichy authorities. The second document is an accurate translation of the statement of terms prepared by the Commanders in Chief and it seems that the U.S. Consul General must have communicated these terms to General Dentz, notwithstanding our request that he should keep them to himself. The second document, although probably authentic, is (these) merely an expression of views on the part of the Commanders in Chief and General de Gaulle and cannot be regarded as committing His Majesty's Government.

4. I enclose ~~for Your Excellency's information~~ copies of Washington telegram No. 2826 of June 18th, 1941, Foreign Office telegram No. 3404 to Washington of June 19th, Cairo telegram No. 1916 of June 19th, Foreign Office telegram to Washington No. 3447 of June 20th, Washington telegram No. 2881 of June 20th and Foreign Office telegram to Washington No. 3464 of June 21st. These telegrams tell the complete story which is summarised in the preceding paragraphs and may be useful to Your Excellency for purposes of record.

5. I request that, if you see no objection, you will inform the Min. F. A. of the approach made to you by Gen. Dentz.

NOTHING TO BE WRITTEN IN THIS MARGIN.

8

Registry No.

Draft.

NOTHING TO BE WRITTEN IN THIS MARGIN.

242

Deutz's defending counsel, thanks of your reply, ~~a~~ of the true position regarding the two documents as set out in para. 3 above. In so doing you shd. make it clear that, ~~the statement~~ in authorizing the U.S. Consul-General at Beirut to inform Gen. Deutz that there could be no question of him or his subordinates ~~officers~~ being condemned to death or to any other penalty, H.M.G. were ~~of course~~ speaking for themselves alone & that this passage in the first document only related to / the

The treatment of Vichy officials at the hands of the British authorities. There was of course no question of us seeking to safeguard Gen. Dentz's position after his return to France. This point was made clear in my F.O. Tel. No. 3404 to W'ton, although the text of the U.S. Consul-General's memo: is perhaps a little ambiguous.

I am with great respect
Sir
Your Excellency's obedient
servant
(Sgd) R. Hayes Sadler
(For) H. Lador
Churchill

15/V.

NOTHING TO BE WRITTEN IN THIS MARGIN.

OUT FILE

2004

FOREIGN OFFICE, S.W.1.

No. 1049

18th June, 1945.

(Z 5550/255/17)

Sir,

I have to refer to Your Excellency's despatch No. 486 of the 1st May last enclosing a letter from General Dentz's defending Counsel regarding two communications alleged to have been made to General Dentz on behalf of His Majesty's Government during the hostilities in Syria in 1941.

2. I consider that it will be sufficient for you to state in reply to Maître Alcide Delmont and Maître Vésinne-Larue that, if the French authorities wish His Majesty's Government to supply any official information about the circumstances under which the hostilities in Syria were terminated, an official approach should be made through the French Minister for Foreign Affairs and to add that it would not be appropriate for you to enter into correspondence on the subject through any other channel.

3. In actual fact it appears that of the two documents produced by General Dentz's Counsel the first is certainly and the second probably authentic. The position is that General Dentz in his capacity as Vichy High Commissioner at Beirut enquired on his own initiative through the United States Consul-General in Beirut, while fighting was still in progress, for an indication of the terms on which His Majesty's Government would be prepared to cease hostilities. This request was duly transmitted to His Majesty's Government, who asked the State Department to instruct the United States Consul-General to reply in terms similar to those of the first of the two documents. At the same time the British Commanders in Chief had prepared in agreement with General de Gaulle an alternative statement of terms. It was suggested to the State Department that they should communicate these terms as well to the United States Consul-General at Beirut for his guidance but not for communication to the Vichy authorities. The second document is an accurate translation of the statement of terms prepared by the Commanders in Chief and it seems that the United States Consul-General must have communicated these terms to General Dentz, notwithstanding our request that he should keep them to himself. The second document, although probably authentic, is thus merely an expression of views on the part of the Commanders in Chief and General de Gaulle and cannot be regarded as committing His Majesty's Government.

4. I enclose copies of Washington telegram No.2826 of the 18th June 1941, Foreign Office telegram No.3404 to Washington of the 19th June, Cairo telegram No.1916 of the 19th June, Foreign Office telegram to Washington No.3447 of the 20th June, Washington telegram No.2881 of the 20th June and Foreign Office telegram to Washington No.3464 of the 21st June. These telegrams tell the complete story which is summarised in the preceding paragraph and may be useful to you for purposes of record.

5. I request that, if you see no objection, you will inform the Ministry of Foreign Affairs of the approach made to you by General Dentz's defending counsel, of your reply thereto

/and

His Excellency
The Right Honourable
A. Duff Cooper, D.S.O., M.P.,
etc., etc., etc.,
Paris.

and of the true position regarding the two documents as set out in paragraph 3 above. In so doing you should make it clear that, in authorizing the United States Consul-General at Beirut to inform General Dentz that there could be no question of him or his subordinates being condemned to death or to any other penalty, His Majesty's Government were speaking for themselves alone and that this passage in the first document only related to the treatment of Vichy officers and officials at the hands of the British authorities. There was of course no question of us seeking to safeguard General Dentz's position after his return to France. This point was made clear by Foreign Office telegram No.3404 to Washington, although the text of the United States Consul-General's memorandum is perhaps a little ambiguous.

I am, with great truth and respect,
Sir,
Your Excellency's obedient Servant,
(For Mr. Winston Churchill)

(Sd.) F. R. HOYER MILLAR

1945

WESTERN

Z 5570 /G 246

4 MAY 1945

Z 5570 /255/G/4

F.O. Min
Mr Harvey

Dated 30 April
Received 4 May

France: Rongier case

Reports conversation with French Ambassador who drew attention to M. Rongier's activities. M. Massigli suggested that a statement ought to be issued.

Last Paper.

Z 5416

References.

(Minutes.)

Now see Z5646/G.

S.A. 8/5.

(Print.)

(How disposed of.)

(Action completed.)	(Index.)
S-J. 6/6	W.H.

Next Paper.

Z5646

28653 F.O.P.

315

2

Z 5570

4 MAY 1945

247
END.

The French Ambassador called this evening and mentioned to me the Rougier case. He drew attention to M. Rougier's activities and his intention to publish what he alleged was an agreement between Mr. Churchill and Marshal Pétain to justify the Vichy Government. M. Massigli suggested that it might be well if we could see our way to issue a statement of the facts before M. Rougier could make his proposed disclosures.

I told the Ambassador that we had had this matter under consideration and some time ago had proposed to publish the facts, but interest had died down and we had left it. We ourselves have now revived the proposal again in view of M. Rougier's activities in America and we were in fact now considering the advisability of making a statement by means of a Parliamentary Question.

M. Massigli expressed satisfaction at this. He knew of course the facts of our indirect approach to Pétain which was entirely justifiable in the circumstances of the time.

April 30th, 1945.

Put with pp.

WESTERN

1945

F.O.
371

[redacted]

FRANCE.

FILE No. 255

Pp. 5646 - 8103

CLOSED
UNTIL
1972

49141

12/ 1945

WESTERN

Z 5646 /G 2
7 MAY 1945

Z 5646 /255/G/1-7

P.M's minute
M. 408/5

Dated 30 April
Received 7 May.

France: Rougier case

States that the question does not deserve attention at the present time and a P.Q would not be desirable.

Last Paper.

Z 5570

References.

(Minutes.)

1) No. 10 (comm.) (copy q. P.M.'s minute q. 6th May).

Submitted with Z 5570.

S. Hubbard 6/5.

(1 B/U 15/5.

Presumably the P.M. hopes that nothing more will be heard of this story. At all events we can hardly return to the charge again until there is some further development, probably either when Rougier's book appears shortly in Canada (see Z 4952/G) or when the trial of Pétain begins in France.

We need not say anything to M. Massigli unless he mentions the matter again.

V.C.S. 8/5

Rougier seems to have been a dam[illegible] 9/5

(Print.)

(How disposed of.)

Min to P.M.
P.M/45/57
1 May.

Min to P.M.
P.M/45/309
28 May

43141

(Action completed.)	(Index.)
S.B. 6/5	Ind.

Next Paper.

28653 F.O.P.

But I hear it will
not be Petain trial.

O H

See within
1. F.O. Min Mr Harvey 18 May.
2. P.M's Min of 29 May.

PRIME MINISTER'S PERSONAL MINUTE

10, Downing Street, Whitehall.
25646

SERIAL No. M.428/5

SIR ORME SARGENT.

1. I do not consider that this question deserves attention at the present time. I am not in favour of a P.Q. on the subject. Lord Halifax need not get excited about it. Naturally it was part of our policy to endeavour to get whatever we could out of Vichy, and even at that time when we were all alone I had strong hopes of making a landing in Morocco if the French assisted. You should look up the letter written with the authority of the Chiefs of Staff to General Weygand, offering him six divisions.

2. As for the Americans, Admiral Leahy was sitting in Marshal Pétain's pocket at Vichy, doing everything in his power to support and stiffen them against the Germans. The Americans have no grounds for complaint against us. I have the script of President Roosevelt's proposed broadcast on the eve of TORCH. He addresses Marshal Pétain as 'My dear friend, the great and trusted hero of Verdun' or words to that effect. With some difficulty I persuaded him

to withdraw this, as it would have been spat at in France.

3. I am entirely indifferent to any attacks on my conduct during this period. It will be sufficient to tell the Ambassador that I do not think the matter requires attention at the present time but that he should forward any material connected with it.

WC

30.4.45

But see also about Flandin.

Ref. P.M./05/45/44.

NOTHING TO BE WRITTEN IN THIS MARGIN.

PM/OS/45/57 6

DRAFT MINUTE TO THE PRIME MINISTER.

PRIME MINISTER.

Please refer to your minute M. 428/5 of April 30th regarding the suggested Parliamentary Question about the alleged agreement with Pétain in 1940.

2. The proposed answer was never intended to suggest that H.M. Government had anything to be ashamed of in the matter or that there was anything wrong in the attempts which they made to extract certain assurances from Vichy in the autumn of 1940. The answer was intended to be not a defence but a statement of H.M. Government's attitude. There is serious reason to fear that, unless the facts are thus authoritatively stated, the episode will be misrepresented in the American papers and twisted to our disadvantage. ~~Furthermore, since~~ Parliamentary Questions and press enquiries ~~are likely to follow~~ (it is coming), there would seem advantage (therefore) in taking the initiative and spontaneously describing what actually happened in 1940 rather than waiting until we are obliged to do so. [~~If we take the latter alternative we risk encouraging the Americans to believe that we have a guilty conscience.~~]

3. I do not think that Halifax is really exaggerating when he stresses the desirability of our making our position clear, and since he telegraphed, the matter has become more urgent since we have heard from Paris that Rougier has now telegraphed to the French authorities from America saying that he is in possession of certain documents which "entirely confirm

declarations/

declarations concerning the Pétain-Churchill agreements" and asking that some kind of French commission of investigation be sent to the U.S. to examine the papers.

4. In these circumstances I very much hope that you will feel able to agree to the Parliamentary Question being asked at an early date.

NOTHING TO BE WRITTEN IN THIS MARGIN.

declarations concerning the Pétain-Churchill agreements" and asking that some kind of French commission of investigation be sent to the U.S. to examine the papers.

4. In these circumstances I very much hope that you will feel able to agree to the Parliamentary Question being asked at an early date.

NOTHING TO BE WRITTEN IN THIS MARGIN.

PM/OS/45/57.

PRIME MINISTER.

Please refer to your minute M. 428/5 of April 30th regarding the suggested Parliamentary Question about the alleged agreement with Pétain in 1940.

2. The proposed answer was never intended to suggest that H.M. Government had anything to be ashamed of in the matter or that there was anything wrong in the attempts which they made to extract certain assurances from Vichy in the autumn of 1940. The answer was intended to be not a defence but a statement of H.M. Government's attitude. There is serious reason to fear that, unless the facts are thus authoritatively stated, the episode will be misrepresented in the American papers and twisted to our disadvantage and lead to Parliamentary Questions and press enquiries in this country. There would seem advantage, therefore, in taking the initiative and spontaneously describing what actually happened in 1940 rather than waiting until we are obliged to do so.

3. I do not think that Halifax is really exaggerating when he stresses the desirability of our making our position

clear.....

clear, and since he telegraphed, the matter has become more urgent since we have heard from Paris that Bougier has now telegraphed to the French authorities from America saying that he is in possession of certain documents which "entirely confirm declarations concerning the Pétain-Churchill agreements" and asking that some kind of French Commission of investigation be sent to the United States to examine the papers.

4. In these circumstances I very much hope that you will feel able to agree to the Parliamentary Question being asked at an early date.

(Sd) O. G. SARGENT.

May 1st, 1945.

2

10

10, DOWNING STREET,
WHITEHALL,

6th May, 1945.

COPY OF MINUTE BY THE PRIME MINISTER.

Reference: P.M./OS/45/57.

P.Q about Pétain.

"Wait for a few days.

W.S.C.

6.5."

Sir D Pascal

Bring up
May 15th.

Z 5646 /G

The Secretary of State may remember that on March 6th he sent a minute (~~Flag A~~) to the Prime Minister enclosing a memorandum giving the history of the alleged agreement with Pétain in 1940 (~~for~~ to which a certain amount of publicity was being given both in the United States and in France on account of Rougier's activities and the impending political trials in Paris). In his minute the Secretary of State suggested that the best way of putting an end to this misleading publicity would be to arrange for a Parliamentary Question to be asked on the subject. In his reply (~~Flag B.~~) the Prime Minister said that he agreed with the action proposed, though he seemed doubtful whether the whole matter really deserved so much attention. In the end, however, as the publicity about the question seemed to be dying down, the Secretary of State decided that it was not necessary to proceed with the idea of the Parliamentary Question - at all events for the time being (~~Flag C.~~).

Towards the end of April, however, the story began to attract further attention, more especially in the U.S., and the Embassy in Washington urged strongly that some steps should be taken to put the matter in its proper light. Sir Orme Sargent therefore sent the Prime Minister a minute (Flag D.) suggesting that the time had now come for a Parliamentary Question to be asked. At the same time the text of the answer was telegraphed to San Francisco for the observations of the Secretary of State and Lord Halifax, neither of whom had any comments to suggest.

The Prime Minister replied, however, on April 30th (Flag E.) that he was not in favour of the proposed Parliamentary Question. In the meantime, however, the French Ambassador had spoken to us on the subject and had urged the desirability of some steps being taken to set public opinion right on the matter (~~Flag F.~~), and Sir O. Sargent therefore approached the Prime Minister again in the matter, pressing for the Parliamentary question to be put (Flag G.). The Prime Minister answered on May 6th "Wait for a few days".

/Since

Since this last minute by the Prime Minister we have heard from Ottawa that M. Rougier's book is likely to be published in the near future. We have also been told by Mr. Tennant of the Paris Embassy, who has just come on leave, that it is becoming increasingly important from the French point of view to take some steps to deny the existence of any 1940 agreement with Pétain. Hitherto our interest in the matter has been mainly to prevent American opinion going astray. Now, however, it seems that there is a lot of loose talk going about in Paris to the effect that H.M. Government did in fact reach some agreement with Pétain, Laval, Flandin, etc., in 1940 or thereabouts, and that H.M. Government are now interested in protecting these persons and are likely to intervene in connexion with their trials. A despatch from Mr. Duff Cooper is on its way to us bringing out all these points and urging that in addition to the proposed Parliamentary Question we should consider making public, or at least communicating officially to the French some of the documents (such as The King's message to Pétain), which set out exactly what did happen in the autumn of 1940. These recent developments seem to make it all the more desirable to have the Parliamentary Question asked without further delay. The longer we wait the greater is the risk that we shall be put on the defensive. It seems much better that we should take the initiative and give our version of the events spontaneously instead of having it dragged out of us later on.

The text of the proposed Parliamentary Question and answer is at ~~Flag B~~.

F. Hoyer Millar

May 17th 1945.

I/

I hope it may be possible to arrange for the proposed Parliamentary Question and Answer for immediately after the Whitsun recess.

We have nothing to hide or be ashamed of, but I am afraid our continued silence is helping a campaign of slander designed to denigrate our aims in the war.

Yours

May 18th, 1945.

D.H. Bangor May 18

I have a feeling that this Parliamentary answer will only lead to demand for publication of the papers. (Can we do this if pressed?)

However if Duff is so enthusiastic for its publication I am prepared to sign his note to PM if we can publish documents if asked to do so

May 20

Please see the Secretary of State's minute below those of Mr. Hoyer-Millar and Mr. Harvey, attached, about a Parliamentary Question regarding the alleged Agreement with Pétain in 1940.

I see no reason why we should not publish the telegraphic correspondence with H.M. Ambassador at Madrid between September and November 1940 covering our exchanges of views with the Vichy Government. These telegrams are marked with a cross in the attached Print Section B. They stand by themselves and are largely self-explanatory. We could also publish the King's message to Pétain and Pétain's reply (Nos. 24 and 27 in the attached Print Section B). There is nothing in any of these documents which now need be kept secret or which would embarrass either H.M.G. or the present French Government.

The most convenient arrangement would probably be to publish these documents as a White Paper with an introductory note explaining briefly how the exchanges arose, and fitting the Rougier incident into its place. There would seem no need to publish the other documents in the Print Section B or the rather detailed correspondence in Print Section A about the abortive proposals for exchanging diplomatic agents with Vichy. The actual documents in the Rougier case (viz. Rougier's Notes for his interview with General Weygand, his letter to the Prime Minister after his return to Vichy and the telegram which we sent him at Geneva about the upshot of the Madrid exchanges) are not of the sort usually included in White Papers, but there is nothing in them that we need withhold and there might be advantage in including them in the Paper so as to complete the refutation of these stories being spread by M. Flandin and his friends.

flags H, I & J.

Mr. Duff Cooper has written to Mr. Harvey strongly recommending that the Parliamentary Question should be arranged and that a fully documented account of our exchanges with Vichy should thereafter be published, or at least communicated to the French Government. We are going further into this. Meanwhile I submit for consideration a draft minute from the Secretary of State to the Prime Minister.

B.G. Bowyer
Flag 25
A.K. Harvey 24/5
T.L. Hoyer Millar 23.5

R.L. Speaight
22nd May, 1945.

Minutes.

Z5646/258
15

2

P/W

Western Dept.

Please see my minute to the Prime Minister No. PM/OS/45/57 of May 1st, about Pétain.

If the Department still wish for a ruling on the question, please prepare a minute for the Secretary of State.

O G Sargent

May 17th, 1945.

I have been down already

J.V.
18.5

Nothing to be Written in this Margin.

NOTHING TO BE WRITTEN IN THIS MARGIN.

DRAFT MINUTE
FROM THE
PRIME MINISTER

FROM THE
SECRETARY OF STATE.

P.M./45/209.

28-5-45.
16.

PRIME MINISTER.

In his minute to you P.M./O.S./45/57 of May 1st Sargent asked if you would reconsider your decision not to proceed with the proposed Parliamentary Question about the alleged Agreement with Pétain in 1940. Your comment on this minute was "Wait for a few days".

I too had been in favour of delay but ~~on both~~ on reflection

2. I agree with the points that Sargent made, ~~and~~ but I think that it would on the whole be in our interest to go ahead with the statement ~~without further delay~~ now. We have heard from Ottawa that Rougier is on the point of publishing a book there which elaborates his own misleading version of events and it seems advisable for us to have a statement on record before this happens. ~~Then~~ also Duff Cooper has written again strongly urging an early statement in order to counter the spreading belief in Paris that a pact actually existed, which, he says, is doing us ~~so much~~ harm.

3. Our statement may lead to a demand for the publication of documents. We need not be afraid of this. There might indeed be some advantage in giving the whole story in a White Paper. That can, however, be considered later.

RLSpeaight
22/5

24/V

OK FR 25

AR

P.M./45/209.

PRIME MINISTER.

In his minute to you P.M./OS/45/57 of May 1st Sargent asked if you would reconsider your decision not to proceed with the proposed Parliamentary Question about the alleged Agreement with Pétain in 1940. Your comment on this minute was "Wait for a few days".

2. I too had been in favour of delay. I agree with the points that Sargent made, but I think that it would on the whole be in our interest to go ahead with the statement now. We have heard from Ottawa that Rougier is on the point of publishing a book there which elaborates his own misleading version of events and it seems advisable for us to have a statement on record before this happens. Also Duff Cooper has written again strongly urging an early statement

in/

in order to counter the spreading belief in Paris that a pact actually existed, which, he says, is doing us harm.

3. Our statement may lead to a demand for the publication of documents. We need not be afraid of this. There might indeed be some advantage in giving the whole story in a White Paper. That can, however, be considered later.

(Sd.) ANTHONY EDEN.

28th May, 1945.

FOREIGN SECRETARY.

Z 2546/G

9

10, DOWNING STREET,
WHITEHALL,

29 May, 1945.

COPY OF MINUTE BY THE PRIME MINISTER.

Reference: Foreign Secretary's Minute P.M./45/209 dated 28.5.45. to Prime Minister.

"I agree.
W.S.C.
29.5."

Dept to arrange

29 May 45

Copy also sent to:

73

1945

Z

FRANCE

Z 5648

20

Registry Number: Z 5648/~~5648~~255/17

FROM Private Secretary to Lady Megan Lloyd George to Private Secretary

No.

Dated 2nd May, 1945.

Received in Registry 7th May, 1945.

Z: France .

Imprisonment in France of M. Taldir-Jaffrennou.

Transmits unsigned letter dated 14th April appealing for help in securing his release.

Last Paper.

2566.

References.

(Print.)

(How disposed of.)

(Minutes.)

No bb.

No action seems necessary. Even if we would, we cd. not reply to the letter enclosed which is unsigned and lacks the address of the writer.

H.D. 9/5

Put with Secy. H.L. Murray

(Action completed.)

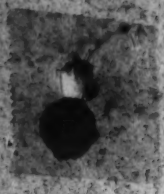
9/5/45

(Index.)

11/12/45

Next Paper.

2574b.



W dept. 45 21

House of Commons,
Westminster, S.W.1.
2nd May, 1945.

7 5648

7 MAY 1945

Dear Private Secretary,

Lady Megan Lloyd George has asked me to send on to you for what it is worth the enclosed unsigned letter she has received regarding the case of Mr. Taldir-Jaffrennou at present imprisoned at Quimper (Finistere) France.

Yours sincerely,

Eileen Brady.

(He sounds like a Breton nationalist.)

The Private Secretary,
Foreign Office,
Whitehall, S.W.1.

The 14 April 1945 22

40

Sir,

We have the sadness to notify you in the name of the JAFFRENNOU's family and the Brit&hm Societies that Mr. Taldir-Jaffrennou is imprisoned since August 1944 at the departmental prison of Quimper(Finistère

We beg you to help us to secure him from this predicament. It is upbraid to him with having connected the enemy and to have been a bad frenchman .

These bills of indictment are nothing else but stories and defamatory denunciations forged by adversaries who want to ruin his work and his reputation .

Nobody in France has done more than MR. Taldir Jaffrennou for the English-French union and the friendly understanding between the Celts of Great-Britain and Brittany .

Therefore, that is to you, Brittish friends that we send this help.

Send letters and instances of friendship to the prisoner, at the following adress :

Mr. Taldir-Jaffrennou
I, Rue Brizeux
Quimper (Finistère) FRANCE

And your protestations to the French Minister of Justice, Place Vendôme, Paris .

Thank you awfully for the prisoner, his family his friends and Brittany .

74

1945

Z

FRANCE

23.

Z 5746

11 MAY 1945

Registry Number Z 5746/255/17

FROM Mr. Duff Cooper
Paris.

No. 491
715/5/45
Dated 5th May,
Received in Registry 11th May, 1945.

Z: France

Punishment of acts of collaboration: Trading with the Enemy Ordinance.

Refers to Paris despatch No.371 of 9th December, (Z 8558/3794/17), and encloses extract from the "Journal Officiel" No.76 of 30th March, giving text of ordinance No.45-507 of 29th March, relating to the control of trading with the enemy in occupied territories.

Summarises and discusses the provisions of the Ordinance. Copied Ministry of Economic Warfare and Department of Overseas Trade.

Last Paper.
Z5648

References.
Z5147/4/17
24983/44/17

(Print.)

(How disposed of.)
Miss McLeod M of E
Mr. Welch C.R.T.
B.T.
May 17.

(Minutes.)

Copy {Miss McLeod, M. of I.
Mr Welch, C.R.T., B/Trade
and resubmit with 1/4. on para. 9 (Z5147/4/17).

H.D. 16/5

H.D. 23/5

General Dept.

Library 27/5

I think Mr Duff Pte should see.

1) Mrs B.A. James, B/T to Miss Simpson, June 1

I have explained to B/T that Z8558/3794/17 (1944) is not really relevant to them. X H.D. 6/6

2) Mrs. James, B.T. to Miss Simpson, July 3

I have explained to Mrs James again

X

(Action completed.)
31/5

(Index.)
12/12/46
gmd

Next Paper.
25848

715/5/45.

No. 491.

BRITISH EMBASSY,
PARIS.
5th May, 1945.

Z 5746
11 MAY 1945
2858/3794/12 G44

Sir,

With reference to my despatch No. 371 of the 9th December regarding the punishment of acts of collaboration I have the honour to transmit to you, herewith, copies of Ordinance No. 45.507 of the 29th March regarding Trading with the Enemy in territories occupied or controlled by him, which makes certain modifications in the legislation dealing with commercial and financial collaboration.

2. It is explained in the preamble to the Ordinance that its purpose is to fill a gap revealed by recent legal proceedings in the existing legislation as laid down by the Ordinance of the 6th October, 1943, regarding the suppression of Trading with the Enemy and Economic Warfare, which is now abrogated. Another Ordinance of the same date annulled the Vichy Decree of the 16th July, 1940, suspending the decree of the 1st September, 1939, regarding Trading with the Enemy. In consequence the legislation on the subject based on the Law on the Organisation of the Nation in Time of War remained valid, and any dealings with the enemy were subject to the penalties laid down in this law and in the decree of 1st September, 1939, regarding trading with the enemy. The continued occupation of a large part of French territory since June, 1940, and the entry of German forces into a further part of French territory in 1942, together with the collaborationist policy of Vichy and arbitrary measures taken by the occupying authorities, have combined to produce a situation of which the French Government must take account in applying legislation regarding Trading with the Enemy. The decree of the 1st September, 1939, made no provision for any such situation; and, although the Government of that time had considered the possibility of an enemy occupation, they had felt it inopportune to publish legislation providing for that eventuality. Consequently some amendment was now necessary.

3. The Ordinance provides that transactions, whether direct or through third parties, between French nationals or companies established in France and enemies or agents of an enemy power are subject to the penalties as laid down in Article 79(S) of the Penal Code and in the Decree Law of the 1st September, 1939, on the Organisation of the Nation in Time of War. For the purposes of the new Ordinance the parts of French territory which remained unoccupied to the end of 1943 are regarded as having been under enemy control since the 25th June, 1940, and French subjects are defined as including allied nationals resident in France, stateless persons and companies, insofar as their establishments in France are concerned. The definition of "enemy" includes all enemy nationals, all individuals in enemy territory or living their habitually and all companies, undertakings, etc., with their head office in enemy territory or established under the law of an enemy country, all organisations, branches, etc., depending on enemy subjects or companies and all persons, companies, etc., on the Official List of Enemies.

4. The prohibition on dealings with the enemy does not extend to/

The Right Honourable

Anthony Eden, M.C., M.P.,

etc., etc., etc.

to prisoner-of-war correspondence, to any correspondence permitted by international convention, to family correspondence, to contacts necessary for the subsistence of French nationals, or to any purchases made in satisfaction of French requirements. Transactions between producers (providing that they cover retail transactions only) or retail dealers and enemies in French territory are not affected by this legislation provided that these transactions were not abnormally large and have not resulted from any canvassing or special publicity addressed to enemy subjects, that they carry no special advantage to the enemy and that the transactions did not involve any infraction of any economic legislation in force. The Ordinance also excludes from the effects of the legislation any operations necessary for the maintenance of French property and rights, any payment of royalties on French rights, any actions necessary for the protection of patents or the recovery of sums due for transactions prior to the opening of hostilities.

5. Article 4 of the Ordinance divides those activities subject to penalties into two categories. The first includes those in which the nature of the goods, the size or importance of the transactions, or their continued repetition have resulted in an appreciable contribution to the enemies' resources in the economic field. Such activities will be examined by the Courts of Justice or Military Tribunals described in my despatch No. 371 and penalties varying from five to twenty years' imprisonment with or without forced labour can be inflicted. Other economic relations with the enemy will be punished under Article 4 of the Decree Law of the 1st September regarding Trading with the Enemy and will be tried by the Correctional Tribunals, which may inflict penalties varying from one to five years' imprisonment and from 1,000 to 10,000 francs fine. Similar penalties may also be inflicted on any person who has been involved in the transactions if it is proved that he had knowledge of the source or destination of the goods.

6. The Ordinance specifically lays down, however, that transactions with the enemy are not to be regarded as crimes if it is established that they took place under enemy pressure, or resulted strictly and without any personal initiative from the execution of orders (which must, however, be interpreted restrictively) or from the carrying out of the obligations of a man's profession provided they are not voluntary and that no payment of an abnormal character is made. Pleas based on Vichy legislation will not be accepted except where the accused has not deliberately delivered anything which can help the enemy appreciably in the economic field or where it has not been possible for him to avoid obeying instructions received from the Vichy authorities. The preamble points out that these clauses are based on the Ordinance of the 28th November, 1944, on the punishment of acts of collaboration.

7. The Ordinance further provides that when a prosecution for trading with the enemy is opened under this Ordinance the property of the accused may be sequestrated on the demand of the French authorities. Similar measures may be taken for companies in which any accused holds a preponderating interest either directly or through a third party.

8. The Ordinance also requires a declaration of all agreements and conventions of an economic character since 25th June, 1940, between/

between French subjects and enemy subjects, as defined by the Ordinance. This declaration must be submitted by owners or their representatives and must also be made by all foreigners resident in France. It is explained in the preamble that this declaration will provide the Ministry of Finance with information which will assist it to eliminate all enemy influence in the economic field. A similar declaration was required by Article 2 of the Ordinance of 6th October, 1943, but appeared only to relate to agreements then in force.

9. It will be noted that it is specifically stated in the preamble that the present Ordinance in no way alters the provisions of the Ordinance of the 6th January, 1945, regarding the confiscation of illicit profits, whether the transactions in question were subject to the penalties provided in the present Ordinance or not.

10. I am sending copies of this despatch to the Ministry of Economic Warfare and to the Department of Overseas Trade.

I have the honour to be, with great truth and respect,

Sir,

Your most obedient, humble Servant,

Duff Cooper

27

Journal Officiel No 76. 30 Mars 1945

contrôle ennemi depuis le 25 juin 1940 jusqu'à la date effective de leur libération.

Art. 2. — Pour l'application de la présente ordonnance:

1° Sont assimilées aux ressortissants français les personnes physiques ressortissant d'un Etat allié, les personnes morales constituées conformément aux lois d'un Etat allié pour leurs établissements en territoire français, ainsi que les personnes ne ressortissant à aucun Etat;

2° Sont réputés ennemis:

Tous ressortissants ennemis.

Tous individus se trouvant en territoire métropolitain ou colonial de l'ennemi ou y ayant leur résidence habituelle.

Toutes associations, sociétés, agences, succursales ou autres établissements, déclarés ou non, qui ont leur siège en territoire ennemi ou qui sont constitués conformément aux lois d'un Etat ennemi.

Toutes associations, sociétés, agences, succursales ou autres établissements, déclarés ou non, en quelque lieu qu'ils exercent leur activité, dépendant de quelque manière que ce soit d'une ou de plusieurs personnes physiques ou morales visées aux trois premiers alinéas du paragraphe 2 ci-dessus.

Toutes personnes, associations, sociétés, agences, succursales ou autres établissements déclarés ou non, figurant sur la liste officielle d'ennemis.

Art. 3. — Echappent à la prohibition ci-dessus les opérations ci-après:

1° La correspondance et les colis adressés ou reçus par les prisonniers de guerre de toutes nationalités ou par les déportés;

2° Les correspondances prévues pour le temps de guerre par les conventions internationales en vigueur;

3° Les correspondances familiales;

4° Les rapports nécessaires à la subsistance des ressortissants français et, plus généralement, tous achats effectués en vue de la satisfaction des besoins français;

5° Les rapports des producteurs (pourvu qu'ils aient le caractère de vente au détail) ou commerçants détaillants français avec les ennemis séjournant en territoire français, pourvu que les rapports n'aient pas eu une importance anormale, qu'ils n'aient été ni précédés d'aucune offre, publicité ou appel s'adressant particulièrement à la clientèle ennemie, ni accompagnés d'aucun avantage consenti à un ennemi ou agent de l'ennemi, et que la réglementation économique alors en vigueur n'ait pas été transgressée en faveur de l'ennemi;

6° Les actes nécessaires à la conservation et à la perception en territoire métropolitain ou colonial de l'ennemi des fruits des biens, droits et intérêts appartenant à des ressortissants français et régulièrement déclarés;

7° Les actes nécessaires à la conservation des droits de propriété industrielle et les actes permettant aux personnes réputées ennemies de faire valoir leurs droits devant les tribunaux français, sans préjudice de l'application des dispositions visant le traitement en France des biens, droits et intérêts desdites personnes;

8° La perception des sommes échues en payement d'opérations effectuées avant l'ouverture des hostilités.

Art. 4. — Sans préjudice des peines encourues en cas de trahison ou d'espionnage, et sous réserve des dispositions de l'article 5 ci-après, les rapports économiques avec l'ennemi autres que ceux énumérés à l'article précédent seront punis ainsi qu'il suit:

1° En ce qui concerne les rapports économiques dont la nature, l'ampleur, l'importance ou la répétition auront apporté à l'ennemi un appoint appréciable dans le domaine économique, application sera faite des articles 79, § 5, et 83 du code pénal;

2° Les autres rapports économiques avec l'ennemi ou les agents d'une puissance ennemie ne donneront lieu qu'à l'application des peines prévues par l'article 4 du décret-loi du 1er septembre 1939 susvisé.

Sans préjudice de l'application des articles 59 et 60 du code pénal, seront punis, le cas échéant, comme coauteurs ou complices, tous individus qui, connaissant la provenance ou la destination des objets naturels ou fabriqués, des valeurs, fonds, monnaies ou devises ayant fait l'objet de l'opération interdite, auront participé à un titre quelconque, pour le compte de l'une des parties contractantes, à ladite opération.

Art. 5. — Il n'y a ni crime, ni délit lorsqu'il est établi que les rapports économiques avec l'ennemi sont intervenus sous l'empire de la contrainte. Il en est de même lorsque les faits résultent strictement soit de l'exécution, exclusive de toute initiative personnelle, d'ordres ou d'instructions reçus et restrictivement interprétés, soit de l'unique acomplissement d'obligations professionnelles sans participation volontaire à un acte antinational, ni perception d'une rémunération anormale.

Si les prévenus invoquent comme faits justificatifs les actes dits lois, décrets, arrêtés ou règlements, les ordres, autorisations ou décisions de l'autorité de fait se disant gouvernement de l'Etat français de ses agents ou représentants ou des organisations institués par elle, ce moyen de défense ne pourra être retenu qu'autant que les prévenus n'auront rien délibérément livré à l'ennemi qui puisse l'aider de façon appréciable dans le domaine économique, ou qu'ils n'avaient pas la faculté de se soustraire aux prescriptions de l'autorité de fait.

Art. 6. — Les infractions visées au paragraphe 1er de l'article 4 ci-dessus seront déférées aux cours de justice conformément aux dispositions de l'article 1er de l'ordonnance du 28 novembre 1944, portant modification et codification des textes relatifs à la répression des faits de collaboration et, lorsque ces juridictions ne pourront plus être saisies ou auront cessé de fonctionner, aux tribunaux militaires.

Les infractions visées par le paragraphe second seront déférées aux tribunaux correctionnels.

Lorsque la cour de justice ou le tribunal militaire estimera que les faits qui lui sont déférés comportant seulement l'application des sanctions prévues par le paragraphe second de l'article 4 ci-dessus, cette juridiction restera compétente pour prononcer ces peines.

Art. 7. — Lorsqu'une poursuite est exercée en vertu des dispositions de la présente ordonnance et que des charges ont été relevées contre l'inculpé paraissant tomber sous le coup des dispositions du paragraphe 1er de l'article 4 ci-dessus, les biens de l'inculpé peuvent être placés sous séquestre à la demande du ministère des finances (direction du blocus) et après avis du ministère de l'économie nationale. Cette disposition est notamment applicable aux biens des administrateurs ou gérants de personnes morales lorsque ceux-ci ont rendu possibles, au regard des statuts desdits organismes les agissements incriminés.

La même mesure peut être prise à l'encontre des sociétés dans lesquelles l'inculpé ou les inculpés disposent directement ou par personne interposée d'intérêts prépondérants.

La mise sous séquestre est prononcée par le président du tribunal civil sur requête du ministère public. Les biens séquestrés sont confiés à l'administration de l'enregistrement, des domaines et du timbre dans les formes et conditions prévues par les dispositions législatives et réglementaires applicables en matière de séquestre d'intérêt général.

Toute entreprise dont l'un au moins des dirigeants fait l'objet de poursuites en vertu des dispositions de la présente ordonnance peut être pourvue d'un délégué provisoire.

La désignation du délégué provisoire est faite, à la demande du ministre des finances (direction du blocus) et sur requête du ministère public, par ordonnance du président du tribunal civil.

Art. 8. — En vue d'apprécier l'opportunité de la mise sous séquestre ou de la désignation d'un délégué provisoire prévues à l'article précédent, le ministre des finances peut exiger de toute personne physique ou morale qu'elle fournisse toutes les informations qu'elle possède sur les activités de la personne physique ou morale en cause. Ce pouvoir d'investigation est exercé par des fonctionnaires des administrations financières.

Nul ne pourra se prévaloir du secret professionnel pour s'opposer aux investigations. Tout refus fera l'objet d'un procès-verbal qui pourra entraîner l'application des peines prévues au paragraphe second de l'article 4 ci-dessus.

Art. 9. — Dans le délai d'un mois à compter de la publication de la présente ordonnance, toutes les ententes et conventions d'ordre économique, de quelque nature qu'elles soient, intervenues depuis le 25 juin 1940 directement ou par personne interposée entre ressortissants français et personnes ennemies au sens des articles 1er et 2 ci-dessus, doivent faire l'objet d'une déclaration. Cette déclaration est souscrite par tout propriétaire, directeur gérant, administrateur, fondé de pouvoir, consignataire ou autre ayant connaissance desdites ententes et conventions. Elle est adressée au ministre des finances (direction du blocus). La même déclaration devra être souscrite par les étrangers résidant en France.

L'absence, le retard, l'inexactitude des déclarations est puni, indépendamment de toutes autres peines, d'un emprisonnement de un à trois ans et d'une amende de 1.000 à 10.000 fr. ou d'une de ces deux peines seulement.

Art. 10. — Les profits résultant de tout rapport économique avec l'ennemi, même non punissable, pourront être confisqués dans les conditions visées par l'ordonnance du 6 janvier 1945 relative à la confiscation des profits illicites.

Art. 11. — L'ordonnance du 6 octobre 1943 concernant la répression des rapports avec les ennemis et la guerre économique est abrogée. Les instances engagées en application de ladite ordonnance seront poursuivies et les infractions punies conformément aux dispositions de la présente ordonnance.

Art. 12. — Les conditions d'application de la présente ordonnance seront fixées, pour la Martinique, la Guadeloupe et la Réunion, par une ordonnance et, pour les autres colonies, par un décret.

L'article 4 rappelle les peines applicables aux faits de commerce avec l'ennemi proprement dits, les relations économiques pouvant d'ailleurs toujours être poursuivies comme intelligences avec l'ennemi lorsqu'elles réunissent les conditions prévues à l'article 75 C. P.

L'article 5 détermine les conditions dans lesquelles les circonstances de fait peuvent être invoquées comme excuse. Ses dispositions sont directement inspirées de l'ordonnance du 28 novembre 1944 sur la répression des faits de collaboration.

L'article 6 fixe les règles de compétence des juridictions répressives.

L'article 7 permet la mise sous séquestre des biens des personnes ou entreprises qui ont collaboré.

Enfin, les articles 8 et 9 déterminent les pouvoirs d'investigation du ministre des finances et prévoient des déclarations qui permettront d'éliminer les influences économiques ennemies.

En aucun cas les dispositions de l'ordonnance ci-après ne mettront obstacle à l'application intégrale de l'ordonnance du 6 janvier 1945 qui prévoit la confiscation des bénéfices provenant de tous actes de commerce avec l'ennemi, même non punissables.

ORDONNANCES

Ordonnance n° 45-507 du 28 mars 1945 relative à la répression du commerce avec l'ennemi dans les territoires occupés ou contrôlés par l'ennemi.

EXPOSE DES MOTIFS

L'examen des premières procédures engagées pour la répression des faits de commerce avec l'ennemi a montré que cette question particulièrement complexe nécessitait des dispositions législatives beaucoup plus détaillées que celles de l'article 1er de l'ordonnance du 6 octobre 1943.

L'occupation prolongée d'une vaste partie du territoire, l'irruption des forces ennemies en une zone qu'elles affirmaient ne pas occuper, la politique de « collaboration » menée par l'autorité de fait se disant « gouvernement de l'Etat français » et qui s'est révélée particulièrement active en matière économique, et les mesures de contrainte prises par un ennemi oublieux des conventions de la Haye et même des règles élémentaires du droit des gens, ont créé une situation de fait dont il importe de tenir compte dans cette répression, et qui impose au Gouvernement provisoire de la République française de poser les règles qui guideront les tribunaux dans l'application des sanctions prévues par le code pénal et les décrets du 1er septembre 1939. Dès le mois de mai 1944, d'ailleurs, le Comité français de la libération nationale avait entrepris l'étude des mesures législatives que nécessitait cette situation.

Les textes en vigueur, en effet, n'avaient pu prévoir une telle situation. Notamment le décret du 1er septembre 1939, pris pour l'application du décret-loi du même jour, n'avait pas défini les règles à suivre au cas d'occupation du territoire, ces règles devant faire l'objet d'un autre décret que le Gouvernement n'avait pas alors jugé opportun de promulguer.

Les articles 1er à 3 de l'ordonnance ci-après fixent, concernant l'attitude que devaient observer les Français séjournant en territoire français ou contrôlé par l'ennemi, des règles inspirées de celles posées par le décret du 1er septembre 1939, mais moins rigoureuses.

Le Gouvernement provisoire de la République française,

Sur le rapport du garde des sceaux, ministre de la justice, du ministre des finances, du ministre des affaires étrangères, du ministre de l'intérieur, du ministre de l'économie nationale et du ministre du ravitaillement,

Vu l'ordonnance du 3 juin 1943 portant institution du Comité français de la libération nationale, ensemble les ordonnances des 3 juin et 4 septembre 1944;

Vu les articles 79 et 83 du code pénal, le décret-loi et le décret du 1er septembre 1939 relatifs à l'interdiction des rapports avec l'ennemi;

Vu l'ordonnance du 6 octobre 1943 concernant la répression des rapports avec les ennemis et la guerre économique;

Vu l'ordonnance du 6 octobre 1943 concernant les interdictions et les restrictions des rapports avec les ennemis ainsi que la déclaration et la mise sous séquestre des biens ennemis;

Vu l'ordonnance du 9 août 1944 portant rétablissement de la légalité républicaine sur le territoire continental, ensemble les ordonnances des 11 octobre et 8 décembre 1944;

Vu l'ordonnance du 18 octobre 1944 tendant à confisquer les profits illicites, modifiée par ordonnance du 6 janvier 1945;

Vu l'ordonnance du 28 novembre 1944 portant modification et codification des textes relatifs à la répression des faits de collaboration, modifiée par ordonnance du 9 janvier 1945;

Le comité juridique entendu,

Ordonne:

Art. 1er. — Seront punis dans les conditions prévues aux articles ci-après comme tombant sous le coup des prohibitions visées à l'article 79 (§ 5) du code pénal et du décret-loi du 1er septembre 1939 susvisé les rapports économiques directs ou par personnes interposées intervenus en territoire français occupé ou contrôlé par l'ennemi, entre:

D'une part les ressortissants français, les associations, sociétés, agences, succursales ou autres établissements, déclarés ou non, ayant leur siège en France, autres que ceux visés au paragraphe 2 de l'article 2 ci-après.

D'autre part, les ennemis ou les agents d'une puissance ennemie.

Les parties non occupées du territoire français sont réputées avoir été sous le

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Telephone No.:
WHITEHALL 5140.

In reply to this communication please quote the following reference:

Your Ref .....

BOARD OF TRADE,
MILLBANK,
LONDON, S.W.1.

1st June, 1945.

INDEXED

Dear Mr. Simpson,

I wonder if you could find us a copy of Paris despatch No.371, which we do not appear to have received, and which is referred to in Paris despatch No.491, a copy of which we have received.

Z 5746/255/17

Yours sincerely,

P.B. McTaggart.

Z 5746/255/17

4 JUN 1945

F.L. Simpson, Esq.,
Foreign Office,
S.W.1.

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29 1111

Telephone No.:
WHITEHALL 5140.

In reply to this communication should quote the following reference:

Your Ref .....

BOARD OF TRADE,
MILLBANK,
LONDON, S.W.1.

INDEXED

3rd July, 1945.

Dear Mr.Simpson, Z5746/255/17

I should be grateful if you could let me have a reply to my letter of the 1st June in which I asked whether you could find us a copy of Paris despatch No.371.

Yours sincerely,

Phyllis James.

Z 5746/255/17

5 JUL

F.L.Simpson, Esq.,
Foreign Office,
S.W.1.

45

1945

Z

FRANCE

Z 5848

14 MAY 1945

30

Registry Number Z 5848/255/17

TELEGRAM FROM

Earl of Halifax,

No. Washington.

3307.

Dated 12th May, 1945.

Received in Registry 14th May, 1945.

Z:France.

Alleged Pétain-Churchill Agreement.

Addressed San Francisco No. 114.

Message for Gore-Booth from MacLean, referring to Foreign Office telegram No. 4347 to Washington (Z 5527/255/17) and concurring in proposed Parliamentary reply.

Last Paper.

Z5746 (5527)

References.

Z5489/255/17

(Print.)

(How disposed of.)

(Action completed.)

18

(Index.)

13/12/46

Next Paper.

2605

(Minutes.)

P/p in Dept Copy of ref attached

This was read by S. Lunn to Cl 103 in Z 5489.

Jn.

16.5

Remaining P/p in Dept

31

2

[CYPHER] DEPARTMENTAL NO.2

FROM WASHINGTON TO SAN FRANCISCO

Earl of Halifax
No. 114 D. 1.58 a.m. 13th May, 1945

12th May, 1945 R. 10.30 a.m. 13th May, 1945

Repeated to Foreign Office No. 3507

* * *

Following for Gore-Booth from Maclean. 5257/255/17

We are not sure whether Lord Halifax has sent any reply to Foreign Office telegram 4547 to Washington about Churchill-Pétain agreement.

2. The proposed parliamentary reply looks all right to us. If he agrees, and has not already done so, he may care to inform the Foreign Office accordingly in case they are awaiting his approval.

(O.T.P)

14 MAY 1945
E.O. REGISTRY

Z 5848
14 MAY 1945

76

1945

Z

FRANCE

32

Z 6024

18 MAY 1945

Registry Number } Z 6024/255/17

FROM Mr. Duff Cooper (Paris)

No. 507

Dated 10th May

Received in Registry } 18th May 1945

Z : France

Registration of Mr. Sisley Huddleston's address.

Transmits copy of letter from Mr. Sisley Huddleston, in Nice, to the British Consul-General there giving notification of his present address.

Last Paper.

25848

References.

Z 7253/3794/17:1944

(Print.)

(How disposed of.)

(Minutes.)

9.5.45. 23/4

(Action completed.)

EJF 24/5

(Index.)

11/12/46 DW

Next Paper.

(T 6874/118/378 2642)

507

R 33

HIS Majesty's Ambassador at Paris presents his compliments to H. M. Pr. S. of S. for F. A. and has the honour to transmit to him the under-mentioned documents.

British...Embassy.,.....
.....Paris.....
.....
.....10th May., 194.5.

Reference to previous correspondence:

Description of Enclosure.

Name and Date.	Subject.
Copy of a letter from Mr. Sisley Huddleston, 8, rue François Aune, Nice, undated, addressed to British Consul-General, Nice.	Registration of his present address.

Z 6024
10 MAY 1945

34

COPY

Sisley Huddleston. 8, rue François Aune,
Nice. Tel. 846.75.

Dear Sir,

A letter from His Excellency the Ambassador addressed to me at my "requisitioned" villa at Monaco has reached me very belatedly at Nice, where I propose to stay for some time.

Although I am no longer a British subject, it occurs to me that, in view of my former relations and I hope of my future activities, it may be convenient and desirable to register my present address.

I need hardly add, after our conversation, that it will always be a joy to me to render any service which will conduce to a better understanding between our two nations in the difficult days ahead. That has been my single aim for forty years, and it has not been changed by recent events.

Believe me to be, Dear Sir,

Your obedient servant,

(Sgd.) SISLEY HUDDLESTON.

77

1945

Z

FRANCE

Z 6112

22 MAY 1945

35

Z Registry Number | Z 6112/255/17

FROM News Chronicle Extract.

No.

Dated 1st May,

Received in Registry | 22nd May, 1945.

Z: France.

Interview with M. Paul Reynaud about collaborators

Article entitled "Pétain and Weygand named as France's most guilty men" reporting an interview with Paul Reynaud who gave his views on the guilt of Pétain, Weygand, Laval, Darlan and others.

Last Paper.

26024

References.

(Minutes.)

25/5

(Print.)

(How disposed of.)

(Action completed.)	(Index.)
24/5	11/12/46

Next Paper.

26130

NOTHING TO BE WRITTEN IN THIS MARGIN.

Minutes.

Enclosure 36

Extract from News Chronicle of 1st May, 1945.

REYNAUD REVEALS SECRETS OF JUNE, 1940

Petain and Weygand named as France's most guilty men

From HENRY STONE, News Chronicle Correspondent

PARIS, Thursday.

PAUL REYNAUD, the last Premier of the Third Republic, told me today that he would be one of the principal witnesses for the prosecution at the Petain trial.

When I asked him which of the two, Petain and Laval, was, in his opinion, the more guilty, he replied, "Petain, of course."

"I have many interesting facts to reveal about the Marshal," he said.

"Petain was the one who plotted the whole conspiracy against the Republican regime. Laval, a twister, saw his opportunity."

"If you were a juryman at the High Court, how would you sentence Petain and Laval?" I asked.

"I would most certainly give them both the maximum. The most guilty men—and I will prove it from documents in hand—are Petain and Weygand.

"I have just learnt that Weygand has been placed under arrest. He was with me as a deportee in Germany. I never said a word to him. I used to salute Mme. Weygand—not him.

Three groups

"In our Nazi prison we formed three groups: No. 1, Weygand and the notorious Col. de la Rocque, who were always together; No. 2, Leon Jouhaux, of the C.G.T., who was a strong resister but hardly Gaullist; and No. 3, Gen. Gamelin—whom I sacked in May, 1940, to give his post to Weygand, I am sorry to say—Clemenceau's son and myself, three Gaullists.

"One of the things that was wrong with France," Reynaud continued, "was to deify Marshal Petain, the "great soldier." I took him in my Cabinet as a simple figure-head, knowing well that he was no good as a soldier but that he was immensely popular."

Reynaud declared that it was Petain who "debauched" Admiral Darlan. "It happened at Briard on the Loire on that famous June 11, 1940, when Mr. Churchill came to see us at my request.

Petain's game

"Petain, who wanted to put an end to the war and had Weygand and most of the generals in his game, went to the H.Q. at Briard, where we were to have a conference with Churchill.

"He took Darlan with him in his car. On the way, he told the Admiral, who, up to that time, had always supported my views and gave me his word of honour that if anything wrong happened he would himself take the French Fleet to Britain, that the war was over, definitely over as far as France was concerned and that the country must be given another regime, adding, 'I am working [illegible] the formation of [illegible] France,' and, [illegible] shoulder—'I [illegible] be the Pre[illegible] friend. Here [illegible]

"When did [illegible] asked [illegible]

the proof of [illegible] My own ide[illegible] France want[illegible] thus give u[illegible] Africa and [illegible] with Britain.

Interesting.

Note that Reynaud is at pains to disassociate himself from Jouhaux as well as from Weygand + Bonnet.

The interview does not make a very pleasant impression. Reynaud ~~is~~ does protests his innocence too much.

7.6112

30 MAY 1945

R. Speaight 14/5

I expect him with the more such articles

[illegible] as part of an attempt of Reynaud to stage a comeback

[illegible]

14.5.

NOTHING TO BE WRITTEN IN THIS MARGIN.

PAUL REYNAUD, the last Premier of the Third Republic, told me today that he would be one of the principal witnesses for the prosecution at the Petain trial.

When I asked him which of the two, Petain and Laval, was, in his opinion, the more guilty, he replied, "Petain, of course."

"I have many interesting facts to reveal about the Marshal," he said.

"Petain was the one who plotted the whole conspiracy against the Republican regime. Laval, a twister, saw his opportunity."

"If you were a juryman at the High Court, how would you sentence Petain and Laval?" I asked.

"I would most certainly give them both the maximum. The most guilty men—and I will prove it from documents in hand—are Petain and Weygand.

"I have just learnt that Weygand has been placed under arrest. He was with me as a deportee in Germany. I never said a word to him. I used to salute Mme. Weygand—not him.

Three groups

"In our Nazi prison we formed three groups: No. 1, Weygand and the notorious Col. de la Rocque, who were always together; No. 2, Leon Jouhaux, of the C.G.T., who was a strong resister but hardly Gaullist; and No. 3, Gen. Gamelin—whom I sacked in May, 1940, to give his post to Weygand, I am sorry to say—Clemenceau's son and myself, three Gaullists.

"One of the things that was wrong with France," Reynaud contined, "was to deify Marshal Petain, the "great soldier." I took him in my Cabinet as a simple figure-head, knowing well that he was no good as a soldier but that he was immensely popular."

Reynaud declared that it was Petain who "debauched" Admiral Darlan. "It happened at Briard on the Loire on that famous June 11, 1940, when Mr. Churchill came to see us at my request.

Petain's game

"Petain, who wanted to put an end to the war and had Weygand and most of the generals in his game, went to the H.Q. at Briard, where we were to have a conference with Churchill.

"He took Darlan with him in his car. On the way, he told the Admiral, who, up to that time, had always supported my views and gave me his word of honour that if anything wrong happened he would himself take the French Fleet to Britain, that the war was over, definitely over as far as France was concerned and that the country must be given another regime, adding, 'I am working towards the formation of a consulate to rule France,' and, tapping Darlan on the shoulder—'If I do succeed, you will be the Premier Consul, my young friend. Here is a chance for you.

"When did you hear of that?" I asked.

"A year [illegible] the proof of [illegible] telling you. My own idea was to pretend that France wanted an armistice and thus give us time to go to North Africa and continue the struggle with Britain.

"Britain was certainly in a bad position at the time, but my view, especially after a conversation I had with Roosevelt, was that America would never permit a Nazi victory over Great Britain.

Fought S.S.

"But a majority in the Cabinet and the generals, headed by Petain, were opposed to it because the latter had his plan, which was to crush the Republican regime. But Darlan was deceived by Petain." The latter did form a sort of Consulate, but it was himself, not the ambitious Darlan, who became Premier Consul."

Reynaud, who was handed over to the Germans by Petain, following the Allied landing in North Africa, was talking in his old flat at the back of the Chamber of Deputies.

"When the Americans came to rescue us," he told me, "the Gestapo men had fled, but we were attacked by S.S. men.

"The prisoners got hold of some weapons. I had a superb German machine-gun and opened fire on the S.S. who decamped after shooting a Wehrmacht N.C.O. who tried to parley with them. It was pretty exciting."

Gen. Weygand is accused of being one of the principal authors of the French capitulation.

Jean Borotra, the former Vichy Sports Minister, is now under house arrest.

Interesting.

Note that Reynaud is at pains to disassociate himself from Jouhaux as well as from Weygand & Borotra.

The interview does not make a very pleasant impression.

Reynaud ~~is~~ ~~Do~~ protests his innocence too much.

7.6112
30 MAY 1945

R. Speaight 14/5

expect him with

the more such articles

[illegible] as part of an

attempt of Reynaud to

stage a comeback

14.5.

...atrocities com-
...is quite correct.
...lessons must
...ed with moral
...instruction. German penitence
...must come from within."

31 wounded men die in plane crash

Thirty-two wounded Service men who were being flown back from France were killed when their transport aircraft, a Curtiss-Commando, hit a pylon near Haslemere and crashed on to an R.A.F. hut earlier this week.

Flying-Officer Emerson Parish, of Canada, who was in the hut, was also killed.

Two of the dead have been identified as British and one as a French Canadian. The remainder are believed to be American.

Petticoat Lane will close on Sunday

Petticoat Lane, Whitechapel's Sunday market of 1,000 traders, will close on Sunday in response to the King's wish that the day be dedicated to prayer. It was last closed on a Sunday on the national day of prayer in May, 1940.

Dante's gallan

78

1945

Z

FRANCE

37

Z 6130

22 MAY 1945

Registry Number } Z 6130/255/17

FROM Mr. A. Stirling (War Cabinet Offices)

No. to Mr. Speaight

Dated 12th May

Received in Registry } 22nd May 1945

Z : France

Request for material about trial of General Dentz.

Has had request from Australian official War Historian who has noted newspaper reports on the trial of General Dentz, for the General's statement of defence also for fairly full record of the evidence given at this trial and the trials of other French Commanders who were in Syria. Asks whether material can be obtained from Paris.

Last Paper.

Z 6112 (25550)

References.

(Print.)

(How disposed of.)

Dft/Mr. Scarlett, Paris from Mr Speaight and entered pp. May 28

Dft/Mr Stirling, WCO from Mr Speaight May 14

Dft/Mr Scarlett, Paris from Mr Speaight Aug 16

PTO

(Action completed.)

(Index.)

Next Paper.

26142

(Minutes.)

PP Sec Z 5257/255/17 ok

dft. Mr Scarlett

H.D. 25/5

Chk 30/5

D.V.D. o/a

Reminder sent

H.D. 31/7

See within:

1) Paris telegram 396 Saving. August 3.

dft. Mr Stirling

H.D. 6/8

Chk 11/8

D.V.D. o/a

38

action taken)

Dft/Paris No. 1809(5)
7 Aug 31

Dft/Mr. Sterling, W.Co
from Mr. Simpson
Aug 7

Z 6130

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39
Eadr

8

WHITEHALL 5422

Offices of the War Cabinet,
~~5, RICHMOND TERRACE,~~
WHITEHALL,
LONDON, S.W.1.

COMMONWEALTH OF AUSTRALIA.
DEPARTMENT OF EXTERNAL AFFAIRS. 12th May 1945.

Dear Speaight

I have had a letter from the Australian Official War Historian who has noted with interest the newspaper reports on the trial of General Dentz in Paris. These included a report that General Dentz took five hours to make his statement of defence.

The War Historian would be very interested to see this statement if possible because of the important part played by the Australian Forces in the Syrian Campaign. He asks whether it would be possible to get a fairly full record of the evidence given at this trial and the trials of any other French Commanders who were in Syria.

Do you think this material could be obtained from Paris?

Yours ever

Alfred Stirling

R. L. Speaight Esq.,
Foreign Office,
S.W.1.

Z 6130
22 MAY 1945

40

Z6130/255/17

OUT FILE

FOREIGN OFFICE, S.W.1.

May 16th 1945.

Thank you for your letter of May 12th about the interest of the Australian official war historian in the trial of General Dentz.

I have asked the Paris Embassy if they can obtain for you the necessary material.

(R.L.Speaight)

Alfred Stirling Esq.

Z6130/255/1, OUT FILE 41

FOREIGN OFFICE, S.W.1.

May 16th 1945.

Alfred Stirling tells me that the Australian official war historian has taken an interest in General Dentz's trial on account of the important part played by Australian forces in the Syrian campaign. He has seen in the newspaper reports that Dentz took five hours to make his statement of defence, and he would like if possible to obtain a fairly full record of this statement, and of any other evidence given at Dentz's trial or at the trials of other French commanders in Syria - if any such have been held.

Can you help at all?

(R.L.Speaight)

P.W.S.Y.Scarlett Esq.,
British Embassy,
Paris.

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NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z 6130/255/17

OUT FILE

26a 42

28 May 1945

Draft/Letter/Telegram

Mr Scarlett,

Paris

from Mr Speaight

Sea Robin

I enclose a copy of a self-explanatory letter I have had from Alfred Stirling.

We shd. be grateful if you can send us for any further info. / about Dentz' trial on and above that we have already had from you

Yours ever

(Sgd) Richard Speaight

25/5

43.

OUT FILE

FOREIGN OFFICE,
S.W.1.

28th May, 1945.

(Z 6130/255/17)

Dear Peter

I enclose a copy of a self-explanatory letter I have had from Alfred Stirling.

We should be grateful for any further information you can send us about Dentz' trial over and above what we have already had from you.

Yours ever
Richard Speaight

(R.L. Speaight)

P.W.S.Y. Scarlett, Esq.,
Paris.

NOTHING TO BE WRITTEN IN THIS MARGIN.

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Registry No. Z6130/255/17

Draft.

H.M. Ambassador Paris

Telegram. SW/a

No. 1809 Saving

July 31.

en clair

Files

44

July 1945

OUT FILE

Despatched 1/8 4.15 a M.

16th &

Speaight's letters of May 14th to Scarlett about the Australian Official War Historian's request for material concerning the trial of General DENTZ.

How does he mean to plead ?

31/7

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OUT FILE

Z6130/255/17

[EN CLAIR] FILES

FROM FOREIGN OFFICE TO PARIS

No.1809 SAVING D. 31st July, 1945

u u u

Speaight's letters of May 16th and 28th to Scarlett about the Australian Official War Historian's request for material concerning the trial of General Dentz.

How does the matter stand?

NOTHING TO BE WRITTEN IN THIS MARGIN.

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Registry
No. Z 6130/255/17

OUT FILE

7th May. 1945
46.

Draft.

Mr Alfred Stirling
Commonwealth of
Australia, Dept. of
External Affairs,
Colonial Office
from Mr Simpson

Dear Stirling.

With reference to your
letter of the 12th May to
Speaight
(about the interest of the
Australian Official War Historian
in General DENTZ' trial, I
am writing to say that the
British Embassy in Paris have
replied as follows to a reminder
we sent them:

"This is now being
dealt with by STUART of the
Australian Legation".

Yours sincerely,
J.E. Simpson

47

OUT FILE

FOREIGN OFFICE
LONDON,
S.W.1.

7th August 1945.

(Z 6130/255/17)

Dear Stirling,

With reference to your letter of the 12th May to Speaight about the interest of the Australian Official War Historian in General DENTZ' trial, I am writing to say that the British Embassy in Paris have replied as follows to a reminder we sent them:

"This is now being dealt with by STUART of the Australian Legation".

Yours sincerely,
Ed.

(F.L.Simpson)

A.Stirling Esq., O.B.E.
Commonwealth of Australia,
Department of External Affairs,
Cabinet Offices.

INDEXED
Z 6130/255/17
AUG.

[EN CLAIR]

FILES

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper
No. 596 Saving
3rd August, 1945.

D. [by bag] 3rd August, 1945.
R. 5.26 p.m. 4th August, 1945.

() () () ()

Z 6130/255/17.

Your telegram No. 1809 Saving of July 31st. This is now being dealt with by Stuart of the Australian Legation.

AUG
F.O. REGISTRY

79

1945

Z

FRANCE

Z 6142 | 49

22 MAY 1945

Registry Number } Z 6142/255/17

FROM Mr. George Mathers, M.P. to the Secretary of State

No.

Dated 16th May

Received in Registry } 22nd May 1945

Z: France

Appeal for help in securing the release from imprisonment of Frank Lytée.

Encloses letter from a constituent, Mrs. McNairney, attaching letter from Monsieur Carnot, regarding the arrest of Frank Lytée, the former's brother-in-law, by the French authorities, and asking for assistance in securing his release.

Last Paper.

26130-

References.

(Print.)

(How disposed of.)

Off) Mr G. Mathers, MP
from the Sec of S
w/encl. in orig.
May 25

Off / Chancery, Paris
from Western Dept
w/encl. 2nd. encl. May 26

(Action completed.)

EJF 28/5

(Index.)

16/VI/46

Next Paper.

26230. (24250)

(Minutes.)

See minutes

26513 F.O.P.

Since Mr Lytle is an Austrian it handly seems that his welfare comes within the scope of the Consular Dept.

Refugee Dept. 19.5. Christopher Bridge

Would you, therefore, please draft reply for Lieut. to Mr G. Mathers, M.P.? 19.5

There is no evidence here that Mr. Lytle is a refugee. Would Western Dept. be willing to take over this case? Dunboyne 19/5

Read 21 May.

We haven't much to go on, M. Lytle is an Austrian apparently and we must tread very carefully in matters concerning French internal affairs such as the purge of collaborators. However, for the sake of Mrs McNairney's I can see no reason why we shd. not at least ascertain the facts and then take stock of the situation again

Nothing to be Written in this Margin.

Minutes.

again.

S. Archibald Edwards
21/5

51

Nothing to be Written in this Margin.

1. Int ACKNOWLEDGED 18.5.45.
2. Consular Dept.

16/5/1945. 52

to advise
& a reply pl.
SofH 17.5.

7.6142

Rt. Hon. Anthony Eden, M.C., M.P.,
Secretary of State for Foreign ~~Affairs~~.

Dear Mr. Eden,

Will you kindly put me in a position to reply to the attached letter from Mrs. M. Harvey 1 Roman Camp, Broadburn, who encloses a letter she has received from a friend of her brother-in-law in France about whom she is very much concerned. I hope it may be possible for you to make some enquiries and see to Mr. Lyhee's needs being met. The letter from Rhaims is not very clear but the need for urgency is apparent.

Thanking you,
I am, Yours sincerely,
Geo. Mathers.

Encls. to return.

Copy

May 10 - 1945.

1 Roman Camp,

Broxburn.

Mr. Mathers.

Dear Sir,

here I am again, enclosed, I have put a letter I received on Tuesday, will you please tell me, what to do with it or about it, I wrote my brother in law, about two month ago, and got it returned, and told not to mention any war news. I had told him of my losing Cyril R.I.P. however I wrote again, and this is the answer, and I dont know any of the people in it, to let you understand. Frank is an Austrian, but was all his days in ChechoSlovaca I am worried about him, as he is a good fellow, he will be about 75 now, and wont be able to stand much. Perhaps the red cross, might get in touch with him, but I thought it better to send the letter to you, my son has been at home since 30th of April, they sent him from Italy to Germany and he only got 7 day, but got extra leave with the war situtation, this has been a great week, but a sad one for me, and millions more poor mothers like me, but Gods Will be done. It might have been worse, but no one but me know what I have lost, I hope Mrs. Mathers and her mother are well and trusting you can help me in this case. I always seem to apply for help to you, I did not like to bother you about the Lord Northampton case, as I knew you had plenty to do in Parliament just now, but will let you know soon, so

I remain sincerely yours

(Sgd) Mary McNairney.

P.S. My son is looking grand but has not a stitch of clothes to fit him, he goes of tomorrow again but I wont worry this time. (Intld) M. McN.

54

Copy
(Z [redacted]2/255/17)

28th April 1945.

Mistress,

I have received today your letter for Frank Lytée. I am the regular successor of Lytée in the perfumery of St. Honoré Street, and a friend of him. Lytée is in life, but not in liberty, in Blois, (Loire and Cher). Bad people make him very bad things, and he is very sory. Make something for him. Make haste. It is necessary to say that Lytée is not a friend of German, but all the contrary. It is necessary to say that Lytée is, from always, a good friend of French people, and also of England. Lytée seeks after Marquise of Anglesi", actually Mrs. Gilliet. Do you know her, and her address? Marquise of Anglesi can save Lytée, in saying who is Lytée, and what good things he has made for France, and England.
Write please to the councellor of Lytée,

Doctor of Kossecki
Councellor of the ambassade of
" checoslovaquie"
55 Champs Elysees,
Paris

Very Sincerely,

S. FAURE
CHEMIST
70 CARNOT STREET
STAINS (SEINE).

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z6142/255/17

55

OUT FILE

25 MAY 1945

SH
Draft.

Mr G. Masters.
Room
S/S.

Private Secretary.

Original Letters from
Mrs McNAIRNEY
and M. FAURE.

Thankyou for your letter
of the 16th May about the
troubles of Mrs McNAIRNEY's
brother in law.

We are asking our Embassy
in Paris to look into the
matter and I shall com-
municate with you again, as
soon as we have their
reply.

I return herewith as
requested the enclosures
~~in~~ your letter, ~~which~~
~~returned~~.

OUT FILE

56.

26142/255/1

25 MAY 1945

Thank you for your letter of the 16th May about the troubles of Mrs. McNairney's brother-in-law.

We are asking our Embassy in Paris to look into the matter and I shall communicate with you again, as soon as we have their reply.

I return herewith as requested the enclosures in your letter.

(Sd.) ANTHONY EDEN.

G. Mathers, Esq., M.P.,
House of Commons.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z 6142/255/17

S.H.
Draft. ✓ pr

Paris Chancery.

copy of letter from M. Consul.

P. Lingstaff

OUT FILE

57

26th May 1943

Please see copies below

Dear Chancery

Mr G. Mathers, the M.P., has asked the S/S. to look into the following matter, which has been raised with him by a constituent, Mrs McNAIRNEY of 1, Roman Camp - BROXBURN.

It appears that Mrs McN's brother-in-law, a certain Frank LYTEE is detained at present as a collaborateur in Blois (Loire et Cher). We enclose a copy of a letter received by Mrs McN: which contains all the information we have on the subject.

(N.P.)

We sld. be grateful if you would get in touch with the Czechoslovak Embassy as suggested in the last sentence of the enclosure with a view to ascertaining the facts of the case. When we know more about the matter, we shall consider what further steps if any should be taken.

Yours ever

Western Dept.

NOTHING TO BE WRITTEN IN THIS MARGIN.

FOREIGN OFFICE, S.W.1. 59

(Z [redacted]42/255/17) OUT FILE

26th May, 1945.

Dear Chancery,

Mr. G. Mathers, the Member of Parliament, has asked the Secretary of State to look into the following matter, which has been raised with him by a constituent, Mrs. McNairney of 1 Roman Camp, Broxburn.

It appears that Mrs. McNairney's brother-in-law, a certain Frank Lytée is detained at present as a collaborator in Blois (Loire et Cher). We enclose a copy of a letter received by Mrs. McNairney which contains all the information we have on the subject.

We should be grateful if you would get in touch with the Czechoslovak Embassy as suggested in the last sentence of the enclosure with a view to ascertaining the facts of the case. When we know more about the matter, we shall consider what further steps if any should be taken.

Yours ever,

Western Department.

The Chancery,
British Embassy,
Paris.

19A

1945

Z

FRANCE

Z 6185

23 MAY 1945

60

Registry Number } Z 6185/255/17

FROM Mr. Duff Cooper, Paris.

No. 536

Dated 19th May, 1945.

Received in Registry } 23rd May, 1945.

Z ; France .

Results of the Purge.

Refers to Paris despatch No. 474 of 24th March (Z 5320/255/17). Transmits extract from l'Ambe of 17th May giving purge results.

Last Paper.

Z 6172

References.

(Print.)

(How disposed of.)

S/ Miss M Leod 31 May

(Minutes.)

PPar Copy R/ Miss McLeod, M. of I.

These figures show that the French have got through quite a lot of purging work.

G. Dimpre 25/5

F.O. R.D. 28/VI/45

I did not realize there had been so many death sentences.

Pres. 26/5

(Action completed.)

GHO 13/6.

(Index.)

12/12/46 Gen.

Next Paper.

26332

No. 536

Z 61

HIS Majesty's Ambassador at Paris presents his compliments to H.M.P.S.of S.for F.A. and has the honour to transmit to him the under-mentioned documents.

British...Embassy.....
.....Paris.....
.....

19th May....., 1945...

Reference to previous correspondence:

P.L.No. 474 to F.O. of 24.6.45

Description of Enclosure.

Name and Date.	Subject.
Extract from l'Aube of 17.5.45.	Purge results.

Z 6185
03 MAY 1945

62

L'Aube 17 May 1945.

LE BILAN DE L'ÉPURATION
au 30 avril 1945

Un porte-parole du ministère de la Justice a communiqué hier à la presse le bilan de l'œuvre de justice dévolue aux cours de justice et chambres civiques ainsi qu'à la Haute-Cour.

Après avoir rappelé que, dans ces diverses juridictions, les jurés désignés par la Résistance constituent l'élément très largement prépondérant, il a donné les précisions officielles suivantes.

A la date du 30 avril 1945, les parquets des cours de justice avaient été saisis de 63.606 informations, ce qui représente un nombre bien supérieur d'inculpés.

- 15.865 dossiers ont été renvoyés devant les cours de justice et 7.260 devant les chambres civiques.
- 15.117 ont fait l'objet de classements.
- 25.004 dossiers restent donc à régler, soit 39 pour cent.

Les cours de justice ont jugé 16.169 inculpés et prononcé :

- 1.458 peines de mort.
- 491 peines de travaux forcés à perpétuité.
- 3.515 peines de travaux forcés à temps.
- 825 peines de réclusion.
- 7.445 peines d'emprisonnement.
- 2.432 acquittements.

Les chambres civiques ont jugé 15.550 prévenus en quatre mois, dont :

- 4.458 ont été acquittés.
- 11.092 condamnés à l'indignité nationale.
- 22.487 personnes ont été en outre provisoirement suspendues de leurs droits civiques.

Quant au parquet de la Haute-Cour, il a ouvert 81 instructions, décerné 39 mandats de dépôt, 37 mandats d'arrêt et 39 ordonnances de mise de biens sous séquestre.

Deux accusés ont été jugés. L'amiral Esteva a été condamné à la détention perpétuelle et le général Dentz à la peine de mort. L'un et l'autre ont été condamnés à la dégradation militaire et ont vu leurs biens confisqués.

3333

13

1945

WESTERN

Z 6230 /G 63

12 MAY 1945

Z 6230/255/G/17

Mr Duff Cooper Paris

to Mr Harvey 559/24/45

Dated 16 May

Received 24 May.

France : Flandin and Baudouin

Refs to history of 20 Feb (Z2766/255/G)

Encloses text of memo Flandin's memo and a copy of Baudouin defending his activity as a member of the Vichy Govt in 1940.

Suggests a White Paper be issued containing correspondence & enclosed draft of such document

Last Paper.

Z.5646

References.

Z2966/255/17

Z5257/255/17

Z5189/3599/G

Z6025/14/17

(Print.)

Z6172/255/17

(How disposed of.)

Dft.) Miss Stopler P.O. from Mr. Speaight 3 June

Dft.) Mr. Duff Cooper, Paris, from Mr Harvey 6 June

Tel to Washington 8850 Saving

Rptd 106 Paris

(Action completed.)	(Index.)
D.F 14/6	W/K.

Next Paper.

I have delayed submission of this paper pending a decision about the proposed P.Q. on the 1940 negotiations with Vichy. The Prime Minister has now agreed to the P.Q. and it is down for Wednesday June 6th.

The Secretary of State has already agreed that, if the P.Q. leads to a demand for the publication of documents, we should issue a White Paper containing the more important exchanges with Vichy during the autumn of 1940. He mentioned the White Paper in his minute to the Prime Minister of May 28th and the Prime Minister did not dissent, so the way is clear to go ahead. The White Paper should in my view contain

(1) The exchanges with Vichy via Madrid between September and November 1940 (see (marked with a cross in the attached print Section B).

(2) The King's message to Pétain and Pétain's replies (Nos. 24 and 27 in the print Section B).

(3) Rougier's notes prepared for his meeting with General Weygand after his interview with the Prime Minister.

(4) Rougier's letter of December 5th to the Prime Minister and Lord Halifax, and our telegram to Geneva for Rougier of November 21st 1940 (annexes B, C and D within).

These various documents could be put into their proper perspective by a short introductory note. The documents under head 3 are not of the type usually included in White Papers, but as Rougier has been making such play with them and has doubtless published inaccurate versions in his own book it seems important to have the true facts about them made public.

Captain McEwen's question and the agreed answer do not mention the publication of documents. The

/Secretary

Secretary of State thinks it likely that this point will be raised in a supplementary. As we agreed that there would be a positive advantage in publication it seems to me in our interests that such a supplementary should be asked, and I have suggested on the P.Q. that this should be arranged. Meanwhile I would propose to start work on the White Paper straight away.

The issue of a White Paper will, of course, take a little time, and I see no reason why we should await it before giving further details to the French Government. We must tell the Quai d'Orsay in advance of the terms of the question, and it would be useful if they could at the same time be given the memorandum with its annexes enclosed in Mr. Duff Cooper's letter. This covers the ground very well, and I have only suggested one amendment.

There is nothing very new or interesting in the appologias by Flandin and Baudouin also enclosed in Mr. Duff Cooper's letter. The full Flandin document adds little to the extract which we had already received. The Baudouin document is on similar lines to one which we received last December through Mr. Bromley's friends.

I submit a draft reply to Mr. Duff Cooper, and telegrams to Paris and Washington about the P.Q., (It seems unnecessary to say anything to Moscow) and a letter to the Dominions Office.

R. Speaight

June 3rd 1945.

1. Mr Wright, W'ton to Mr Speaight 2 of May

Tels. sent.

pm 4/6.

Tel to W'ton 6005 of June
Paris 1239 Saving

Tel) Paris No. 1065 (S) of 3/6
Rpte W'ton 5849

R of 248 of 1945

W. Dept. No 2

Z6230

BRITISH EMBASSY

PARIS

559/24/45.

SECRET

16th May, 1945.

My dear Oliver

Z 2966/255/17

You will remember that in my letter to you No. 559/2/45 of the 20th February, I enclosed an extract from a document circulated by Flandin and purporting to contain the text, or a full summary, of an alleged agreement between His Majesty's Government and the Vichy Government concluded in the autumn of 1940. As reported in my telegram No. 378 of the 3rd March, the essential part of this document was published in "Combat" of the 1st March. We have now obtained a copy of the full text of Flandin's memorandum and also a copy of a long paper by Baudouin defending his activity as a member of the Vichy Government in 1940. Both these documents appear to have been given fairly wide circulation. I enclose a copy of the full text of the Flandin memorandum, together with a copy of a very useful summary by Tennant of the Baudouin document which consists of fifty-four stencilled pages.

Baudouin's defence does not rely to anything like the same extent as Flandin's on the negotiations between His Majesty's Government and the Vichy Government in the autumn of 1940, and Baudouin does not mention Rougier at all. His document is in the main an attack on the policy of His Majesty's Government both before and after the Armistice. It has been suggested to me that it is desirable that we should produce and publish a detailed reply to the allegations in this memorandum. I do not consider that we should enter into any public controversy at this stage on the question of Anglo-French relations immediately before and after the Armistice. A British official history of the period will doubtless be published sooner or later and I hope that some work has already been done on its preparation. But I am sure that at present we should leave to Frenchmen the task of answering the apologists of Vichy. In this connection you may remember that you hold the text of an important work by Reynaud which, I understand, puts the action of His Majesty's Government in a very favourable light. You may care to consider whether Reynaud should not now be encouraged to publish this work as soon as possible.

The position as regards the Flandin document is different. This contains a definite allegation that His Majesty's Government concluded an agreement with Vichy in the autumn of 1940 and purports to give its gist. I think the wide circulation of this story here is doing us definite harm and it is highly desirable that some refutation should be published soon. I hope therefore that it will be possible to make an early statement in Parliament on the lines of the draft answer in your telegram to Washington No. 4347 of the 30th April.

2525Y/255/17

At the same time this draft statement while doubtless containing all that can be said in the House, is in too brief and general terms to provide what we need here. Only a detailed refutation of the story in the Flandin document point by point will convince those who have read that document. There is much to be said for the publication of a White Paper containing the whole or the essential parts of the correspondence printed in the document headed

"Anglo-French/-

O.C. Harvey, Esq., C.B., C.M.G.,
Foreign Office.

"Anglo-French relations, August to December 1940" which was enclosed in your letter to me No. Z 2766/255/G of the 5th March. You may care to consider this. If the preparation of a White Paper containing the actual correspondence involves too many complications, we might prepare a document commenting in detail on the Flandin story and giving the true facts. This paper might either be published or alternatively simply communicated to the French Government for their information, since it seems likely that their archives on the subject are far from complete. I enclose for your consideration the first draft of such a document. I should be grateful for your comments on it and for your views on the whole question of the line which His Majesty's Government should take in this matter. It should of course be borne in mind that any document we publish or communicate to the French Government might be used by the prosecution not only in the case of Pétain, but also in that of Flandin, if he is ever brought to trial.

I have asked Tennant, who will be in London for a week, to discuss this question with you from his angle before he returns.

I am sending a copy of this letter to Halifax at Washington.

Yours ever

Duff Cooper

COPIE

Sur la complicité de trahison en vertu du postulat: Le Gouvernement de PETAIN étant le Gouvernement de la trahison, vous êtes complice de la trahison puisque vous avez fait partie du Gouvernement.

Je vous ai déjà objecté que la trahison du Gouvernement PETAIN devait être prouvée par des faits et que seuls, des faits caractérisés de trahison pendant la période où j'ai été ministre, pourraient servir de base à une accusation de complicité. Il resterait encore à établir que j'aurais connu ces faits, que j'aurais participé à ces actes de trahison, et que je l'aurais fait sciemment et avec l'intention de les favoriser. Ces faits, ces preuves, ces actes, il appartient à l'accusation de les produire. Je l'attends depuis plus de treize mois et l'accusation, depuis treize mois, reste muette.

Comme l'accusation n'en pouvait produire aucun et que le scandale de ma détention prolongée s'aggravait, le Juge d'Instruction d'ALGER m'a signifié le 14 Août 1944 une ordonnance de suspension de l'Instruction. Relisons le texte:

"Attendu que l'inculpation de trahison retenue contre le prévenu pose la question de savoir dans quelles mesures (sic) les fonctions qu'il a remplies au sein du Gouvernement de fait de l'Etat Français et le rôle qu'il a joué l'ont fait participer à la politique de collaboration suivie par ce Gouvernement, que l'information suivie sur ce territoire de l'Empire détaché provisoirement de la Métropole n'est pas en mesure de rassembler à cet égard des instruments de preuve nécessaires à la manifestation de vérité...."

Postérieurement, le Tribunal d'Armée d'ALGER a été dessaisi, d'abord au profit du Tribunal Militaire permanent de PARIS, puis au profit d'une Haute Cour de Justice. Vous communiquez mon dossier à ces avocats. Cinq mois ont passé et plus de quatre mois depuis la libération du territoire de la Métropole. Non seulement il n'y a dans mon dossier aucun de ces "instruments de preuve" que l'Instruction d'ALGER avouait manquer à l'accusation, mais il ne s'y trouve aucune pièce nouvelle.

Quelle devrait donc être la conclusion? Un non-lieu immédiat. L'évidence éclate que j'ai été arrêté et maintenu sous mandat de dépôts, sans qu'il y ait la moindre charge contre moi, et avec le seul espoir qu'avec le temps on arriverait à en trouver... Mais 13 mois passent et l'on ne trouve rien.

Alors on ressuscite le postulat: "Le Gouvernement de PETAIN étant le Gouvernement de la Trahison, vous êtes complice de la trahison puisque vous avez fait partie du Gouvernement".

Cette formule n'est pas neuve, c'est une redite.

En le précisant, je suis amené à poser une question troublante. Lorsque PUCHEU a été traduit, en Mars 1944, devant le Tribunal d'Armée à ALGER, l'accusation avait posé une de ces questions à peu près dans les mêmes termes que semble la poser l'accusation devant la Haute-Cour. Je n'ai pas de libellé exact des questions soumises au Tribunal, dans le procès PUCHEU et je ne puis que me fier à ma mémoire. Mais il vous sera facile de vous reporter au texte de ces questions. Je me souviens que le Commissaire du Gouvernement, dans son réquisitoire, avait attiré l'attention du Tribunal d'Armée sur l'importance et sur la portée de la question relative à l'appartenance au Gouvernement de VICHY considérée comme un crime d'intelligence avec l'ennemi. Car avait-il précisé selon la réponse que donnera le Tribunal, une jurisprudence sera agréée qui aura ses conséquences sur les procès qui doivent suivre. Or, le Tribunal a répondu NON à la question posée.

Il n'a pas retenu comme un acte de trahison, d'intelligence avec l'ennemi, ni d'atteinte à la Sûreté extérieure de l'Etat, le fait pour PUCHEU, d'avoir appartenu au Gouvernement PETAIN. PUCHEU a été condamné pour d'autres motifs et pour des actes personnels accomplis dans l'exercice de ses fonctions.

Cette décision au Tribunal d'Armée faisait donc jurisprudence, au moins en ce qui concerne le Tribunal devant lequel j'étais moi-même renvoyé. Ainsi, cette prétention, d'ailleurs insoutenable, de l'accusation s'effondrait aussi bien en ce qui me concernait qu'en ce qui concernait mes co-inculpés, anciens membres

du/-

du Gouvernement de VICHY.

Nous sommes en Mars 1944. L'accusation s'évertue donc jusqu'en Août à rechercher, selon des propres termes, des instruments de preuve quant à ma prétendue participation personnelle à la politique de collaboration. Elle n'y parvient pas: une ordonnance de suspension d'instruction est rendue.

C'est alors qu'interviennent deux déssaisissements. Ce mot évoque des méthodes judiciaires que l'on croyait condamnés depuis l'affaire DREYFUS. Pourtant, si l'on voulait renouveler ces méthodes, ce déssaisissement permettrait, devant une autre juridiction qui ne se trouve pas liée par sa propre jurisprudence, de reprendre le "postulat" que le Tribunal d'Armée d'ALGER avait écarté:

La question que je pose est donc celle-ci:

Est-ce pour cela que le dessaisissement a été prononcé?

Cette réserve faite, j'en viens au postulat lui-même.

L'accusation affirme: Le Gouvernement du Maréchal PETAIN est le Gouvernement de la trahison. Cela n'a que la valeur d'une affirmation. Pourquoi, comment, à quelle date le Gouvernement du Maréchal PETAIN est-il devenu le Gouvernement de la trahison? Voilà ce que l'on ne dit pas et c'est ce qu'il faudrait préciser.

Si l'on déclare: Le Gouvernement est devenu le Gouvernement de la trahison le 8 Novembre 1942 parce que, à partir de cette date, il n'y avait pas d'armistice et qu'il ne pouvait plus y avoir de gouvernement légal, je n'aurai rien à objecter. Mais je fais observer que ma démission du Gouvernement PETAIN remonte au 8 février 1941.

Si l'on me dit: le Gouvernement PETAIN était déjà le Gouvernement de la trahison en Décembre 1940 et en Janvier 1941, je réponds: cela est faux et je demande sur quoi l'on fonde cette présomption de trahison. Je pourrais et je devrais même attendre que l'accusation ait précisé les faits et les actes qui, au 14 décembre 1940, date où je suis entré au Gouvernement pour 56 jours, motiveraient que c'eut été dans un Gouvernement prétendu de trahison. Je devrais attendre que l'accusation ait rapporté la preuve.

Mais je suis tellement impatient de faire, enfin, éclater la vérité que toutes réserves faites par l'obligation qui incombe à l'accusation de rapporter ses preuves, je vais discuter, comme sur une hypothèse, la question du Gouvernement PETAIN, gouvernement de collaboration avec l'ennemi, à la date où j'y suis entré.

Gouvernement de collaboration, dit-on, parce que le Maréchal PETAIN aurait lui-même proclamé, après son entretien à MONTOIRE avec Hitler, qu'il se proposait de pratiquer une politique de collaboration avec l'Allemagne.

J'ai déjà dit que ce mot de "collaboration" a été inventé par Monsieur Laval et ses partisans. J'ai déjà précisé que ceux-ci avaient, en effet, le dessin de faire participer la FRANCE à la victoire finale, qu'ils croyaient assurée, de l'Allemagne.

Qu'ils aient donc à répondre d'actes qui seraient, en effet, de trahison cela est justice. Mais est-ce là la politique du Maréchal, le 14 décembre 1940 lorsque j'accepte de devenir son Ministre des Affaires Etrangères? En aucune manière.

Non seulement Monsieur LAVAL a été chassé par le Maréchal parce que Monsieur Laval voulait l'entraîner dans une politique qui, à l'époque, n'était pas la sienne, mais postérieurement à MONTOIRE, le Maréchal a choisi et défini une tout autre politique. Cette politique, à l'égard de l'allemagne, se limite à l'exécution pure et simple de conditions de l'Armistice. Je me suis déjà référé à un échange de lettres entre le Président ROOSEVELT et le Maréchal Pétain, qui le précise.

Je me réfère aujourd'hui à un autre document au sujet duquel j'avais jusqu'ici gardé le silence pour des raisons qui sont faciles à comprendre, documents dont vous allez mesurer vous-même l'importance capitale.

Avant/-

Avant de révéler le contenu de ce document, je dois faire un court exposé historique.

Les 24 et 26 Octobre 1940, un envoyé du Maréchal Pétain était reçu à LONDRES par Mr. Winston CHURCHILL. Il était porteur d'assurances, de propositions et de demandes du Gouvernement Français. Après une confrontation des points de vues britannique et français, les résultats acquis furent consignés dans un texte dactylographié, rédigé dans le Cabinet de M. STRANG au Foreign Office, en date du 28 Octobre 1940, texte qui fut soumis aux corrections et à l'approbation du premier Ministre. Le Maréchal PETAIN reçut communication du texte des projets d'accord, accompagné d'un mémoire, le 10 Novembre 1940. Ils furent ratifiés le 11 novembre par lui selon la procédure qui avait été convenue d'avance et par l'intermédiaire de notre poste diplomatique de MADRID. Ils furent confirmés, après la ratification du Maréchal PETAIN par un télégramme du Foreign Office en date du 21 novembre, sous couvert du Consul Général de Grande Bretagne à GENEVE.

Je fais observer que toutes ces dates sont postérieures à MONTOIRE.

Et voici maintenant le contenu de ces accords:

ENGAGEMENTS DE LA GRANDE BRETAGNE A L'EGARD DE LA FRANCE:

a) La Grande-Bretagne rétablira dans son intégrité et sa souveraineté la FRANCE, si elle ne fait rien pour aider la victoire des totalitaires, et à fortiori, si elle contribue à la victoire britannique.

b) Au cas où le Gouvernement Français cèderait des bases aériennes et navales aux totalitaires, la Grande-Bretagne ne répondrait plus du sort futur de la France et de son Empire.

ATTENTION AU BLOCUS:

1) Le Gouvernement Britannique assimilera à du cabotage que ne tombe pas sous le blocus, le transport des denrées coloniales de DAKAR, de CASABLANCA, et des ports Nord-Africains aux ports de Provence.

2) Le Gouvernement anglais enverra à MADRID un expert économique qui s'entendra avec un expert économique Français au sujet d'échanges éventuels avec le MAROC.

ACCORD SUR LE STATUT DES COLONIES FRANCAISES DEMEUREES FIDELES A VICHY:

1) Le Gouvernement Anglais s'engage à ne plus chercher à prendre par la force ou à débaucher par la propagande les colonies françaises demeurées fidèles au Gouvernement de VICHY.

2) Toute agression anglaise contre les colonies Françaises sera repoussée par les armes pour éviter la défense conjointe par l'axe des dites colonies, ce qui équivaudrait à céder à l'Axe les colonies françaises et leurs bases.

ACCORD SUR LA RADIO:

1) La radio britannique s'abstiendra de toute critique à l'égard de la personne du Chef de l'Etat français, le Maréchal PETAIN.

ENGAGEMENTS DE LA FRANCE CONCERNANT LES COLONIES ET LES BASES:

1) Le Gouvernement français s'engage à ne pas chercher à reprendre par la force les colonies passées à de GAULLE.

2) Le Gouvernement français s'engage à ne céder à l'Axe ni les ports de Provence, ni les bases de l'Afrique du Nord, du Maroc et de l'Afrique Occidentale.

3) Le Gouvernement français remettra l'Empire dans la guerre le jour où les Anglais et les alliés éventuels auront fait la preuve de leur force, seront à même de débarquer en nombre et d'équiper les troupes françaises, privées actuellement de munitions, de matériel lourd, de D.C.A., de canons anti-chars, et de moyens de locomotion.

ENGAGEMENT/4

ENGAGEMENT SPECIAL CONCERNANT LA FLOTTE:

Le Gouvernement français, conformément aux assurances solonnelles qu'il a déjà données à plusieurs reprises au Gouvernement britannique s'engage à saborder les Unités de sa flotte plutôt que de les laisser tomber aux mains des allemands et des italiens. Des ordres annulant tous les ordres ultérieurs ont été donnés à tous les Commandants dans ce sens.

Est-ce un gouvernement qui collabora avec l'Allemagne, celui qui vient de prendre l'engagement de remettre la France dans la guerre le jour où en Afrique du Nord, les Alliés se présenteraient en force, celui qui a donné effectivement mission au Général WEYGAND de préparer les cadres d'une armée coloniale de libération en Afrique du Nord et en Afrique Occidentale?

On dira: le Gouvernement de VICHY a donc suivi, dans le temps deux politiques, la politique de M. LAVAL qui était celle de la collaboration et la politique des accords franco-britanniques et franco-américains qui était cella de la résistance, celle de la rentrée de l'Empire dans la guerre? C'est bien possible, car les choses ne sont pas simples sous la botte de l'ennemi.

Mais un fait est établi, le 15 décembre 1940, le Maréchal avait momentanément répudié la politique de M. Laval qui n'était pas dans le secret des accords de LONDRES. Je ne suis donc pas entré, le 14 décembre 1940 dans un gouvernement de trahison, mais dans un gouvernement où je pouvais mener, et où j'ai mené une politique de résistance à cette époque peut être plus difficile et plus périlleuse à pratiquer en FRANCE qu'à l'étranger.

Et je veux ajouter ces précisions: les négociations économiques prévues par les accords de LONDRES commencèrent effectivement à MADRID sous mon ministère et se terminèrent par les accords connus sous le nom d'accords Ecoles-Marchal. Ils devaient être suivis d'accords franco-Américains négociés à WASHINGTON.

L'expédition du TCHAD projetée, comme je l'ai dit, par Monsieur Laval n'eut pas lieu et fut rendue impossible.

Le cabotage France-Afrique du Nord et France-Afrique Occidentale commença.

A mon départ, le Général WEYGAND travaillait à plein à la réorganisation militaire de l'Afrique du Nord; il n'y avait pas un allemand à DAKAR.

Vous conclurez:

Peut-être comprendrez-vous mieux d'un point de vue général, pour qui les allemands refusèrent de me reconnaître comme Ministre des Affaires Etrangères, pourquoi l'Amiral LEAHY arriva à VICHY en Décembre 1940, accrédités comme Ambassadeur des Etats-Unis, pourquoi M. MURPHY, délégué du Président ROOSEVELT en Afrique du Nord reçut toutes facilités pour y exercer sa mission qui consistait en fait à préparer le future débarquement des Alliés, pourquoi le Général WEYGAND plus tard, dut quitter l'Afrique xxxxxx du Nord sous la pression des Allemands, pourquoi l'Armée d'Afrique se rallia immédiatement aux Alliés après leur débarquement le 8 Novembre 1942, pourquoi la flotte se saborda à TOULON.

En ce qui touche mon activité non officielle, cela vous expliquera pourquoi dès Mai 1941 je préparais mon repli en Afrique du Nord par l'acquisition d' intérêts dans des propriétés foncières en ALGERIE, pourquoi je m'y trouvais fin Octobre 1942, pourquoi j'y conférais avec M. MURPHY précisément le 7 Novembre 1942, pourquoi je remis au Capitaine R. CHURCHILL à sa demande et pour le Premier Ministre, en Mars 1943 un "mémorandum sur la situation actuelle et future de la France", pourquoi je peux me réclamer d'avoir été un des premiers et des plus effectifs parmi les résistants sur territoire français à une période où la Résistance était un élan patriotique individuel et ne tendait pas encore à devenir un mouvement politique organisé.

La Justice me jugera, mais l'Histoire jugera la Justice. Si demain je reste embastillé, l'opprobre ne sera pas pour le prisonnier.

COPY

To: Head of Chancery. From: Mr. Tennant.

The following is a summary of a 54-page stencilled document compiled by Paul Baudouin in defence of his policy against accusations of his critics:

Précis of Paul Baudouin's defence dated February 1945

The document falls into three parts:

(1) L'Armistice fut-il un crime contre la Patrie?

(2) L'Indochine a-t-elle été livrée en Juin 1940 aux Japonais?

(3) Est-il permis d'accuser indistinctement de trahison tous les hommes qui de mai 40 à septembre 44 eurent affaire avec le difficile gouvernement d'une nation vaincue et opprimée par son vainqueur?

Baudouin was Vichy Minister for Foreign Affairs from the Armistice till just after Montoire, when he declares that he handed in his resignation as a protest against the policy of collaboration. His defence is based on notes taken during meetings of the Government with Paul Reynaud in the chair, and also at Councils of Ministers before and after the Armistice. They are also based on the Supreme Inter-Allied Councils of May 31st and June 13th, 1940. In 1941 he collected all these notes for a book entitled MON TEMOIGNAGE, which is to appear if and when possible. His REFLEXIONS SUR L'ARMISTICE were written in December 1943. His notes on the Franco-Japanese negotiations of the summer of 1940 were written in February 1944, and in September 1944 were handed to the Minister for Foreign Affairs and the Minister for Colonies. The third section of his defence is a reply to Kammerer's book LA VÉRITÉ SUR L'ARMISTICE.

RÉFLEXIONS SUR L'ARMISTICE - Baudouin declares that he left Vichy in January 1941 in face of collaborationist policy. His first section deals with the military point of view of the French on the fateful June 16th, 1940. On June 12th Weygand had told the French Government the need for an armistice in view of the chaotic situation and the impossibility of procuring effective Allied aid. On June 11th Mr. Churchill had been told of the situation by Weygand and General Georges, but refused to send fighters from the Home Defence of Britain to aid the French as at the time of Dunkirk. Baudouin states that the British were already convinced on May 20th that the French situation was hopeless and that all aid was futile. He stresses the fact that the French army in France was completely defeated, and the armies in North Africa and Syria were so depleted that they were only symbolical. He declares that the French fleet had to stand by and was unable to help. The main reasons for concluding the Armistice were the need to save manpower and equipment for future action, and to avoid the Germans' taking some 4,000,000 prisoners. He devotes another section to the internal point of view, describing the state of disaster and disorganisation in the population, administration and public services. Another section deals with publications for the future. The following considerations were important in deciding to sign the Armistice of June 24th:

Baudouin, who always links his views with those of Weygand, stresses the need to save the French Empire and thereby prepare to resume hostilities. He stresses the importance of preserving French North Africa as a base, subsequently justified by the Allied landings in 1942, so that arms could be taken up there at a future date. It was considered necessary for the Government to remain in France in order to re-establish order and to avoid chaos arising out of enemy government and the bitterness which would result in the French population from the Government deserting the country and refusing to accept responsibility for the disaster. Reynaud refused the idea of an armistice proposed by Weygand at Tours on June 12th. On June 15th at Bordeaux the Council of Ministers agreed with President Lebrun for capitulation. There was a general fear at the time that the Germans would pass through Spain to Tangier and attack North Africa if France was totally occupied and the whole army were taken prisoner. On June 13th, Darlan declared that Allied naval forces at Gibraltar would be unable to prevent the Germans' crossing the Straits if they had, as they would have, adequate air cover. General Koeltz was flown to see Nogues in North Africa, and returned in less than twenty-four hours with the report of an entirely hopeless military situation if

the/-

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the Germans were to use Spanish Morocco as a base. Nogues apparently considered the possibility of invading Spanish Morocco, but this idea was written off as it would have meant immediate Spanish participation in the war. Great Britain was incapable of sending any assistance at the time. Later it proved that the Germans greatly regretted they had not proceeded to North Africa, and he quotes a conversation between General Huntziger of the Wiesbaden Armistice Commission and General Stulpnagel, and later in September a conversation Baudouin himself had with Abetz. Reynaud suggested that Weygand should accept full responsibility for military capitulation while the Government left the country to continue the fight. Weygand, who had only arrived from Syria a month before, refused to accept complete responsibility for the situation and insisted that the Government should accept this responsibility and negotiate the Armistice. On June 13th at Tours Baudouin, as Reynaud's Secretary, saw Churchill, Halifax and Beaverbrook. Reynaud advanced a plea for the French Government to be released from the undertakings of March not to sign a separate peace, on the understanding that the French would do everything in their power after signing the Armistice to assist Britain. Reynaud put this question to Churchill, who replied with tears in his eyes: "Nous ne ferons pas de récrimination dans une pareille hypothèse. La Grande-Bretagne restaurera la France dans tous les cas, dans sa puissance et sa grandeur, quelle qu'ait été l'attitude de la France après sa défaite. La Grande-Bretagne chérira toujours la France". Later Mr. Churchill stated that these views of his were confirmed by the Cabinet. On June 16th, however, Churchill's views were modified by a telegram from Lord Halifax handed to Reynaud by Sir Ronald Campbell, stating that provided the French fleet went to British ports the British Government would agree to the French Government investigating the possibilities of an armistice. The question of the French fleet was responsible for this change of attitude. The French Government, however, said they must retain the fleet as a bargaining counter with the Germans, but the British never believed the French promise never to hand the fleet over to the Germans. Baudouin points here to the action at Toulon on November 27th 1942, when the fleet was scuttled to avoid capture by the Germans, which confirmed the loyalty of the French towards their British Allies.

On June 16th at 11 p.m. the decision was made to ask for an armistice in the Conseil des Ministres under Lebrun with the new Pétain Government.

Baudouin then devotes a section to Vichy policy. Firstly he deals with relations with Germany, stressing the determination of Vichy to resist all German encroachments on the armistice terms. On July 16th, Huentziger brought a letter from Hitler to Pétain demanding eight air bases in Morocco, the use of French Mediterranean North African ports, and French merchant tonnage to transport personnel to North Africa. On July 17th, Pétain refused and alluded to France having sealed with her blood her word of honour to Germany by the action at Mers el Kebir. Baudouin here digresses to produce another instance of Vichy sternness when in May 1941 Weygand, then in North Africa, refused to allow the ratification of Darlan's promise at Berchtesgaden to hand over Bizerta to the Germans. On August 4th, 1940, an agreement was reached between Baudouin, Darlan and Pétain that Darlan would go and take command in North Africa with the fleet if the Germans were to invade Vichy. Pétain with his usual caution, though agreeing did not commit himself to paper. In September 1940, Weygand was sent to take command in North Africa, and Baudouin complains that he was now left alone to watch the decline of the Vichy resistance policy, which came to an end in October 1940 with the collaboration policy begun at Montoire. This was the culmination of a number of secret negotiations between Hitler and Laval, and Baudouin resigned on Pétain's return.

He devotes a section to the "relèvement du pays tombé", describing how in 1940 arms were hidden all over Vichy-France from the Germans, how North Africa was saved from German encroachments and men were sent to reinforce the troops in North Africa.

A third section deals with relations with Great Britain, and this is the most important one from our point of view. He declares that Vichy made an honest attempt from June 13th onwards to pursue Reynaud's policy of signing the Armistice without breaking the French promises to the British Government in March of the same year. When on June 16th the British proposal for a political union was made, it made a considerable impression but it was considered inappropriate at the time, as what was required from the British then was not long-term proposals but immediate assistance for alleviating the distress of the hour. He then alludes to

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the unfortunate incidents of Mers el Kebir on July 3rd, and another incident of July 6th which I cannot identify. He may be alluding to the French initiative in breaking diplomatic relations with Great Britain, or the first air attack on Gibraltar of July 5th, or he may be alluding to our air attack on the RICHELIEU on July 8th. Nevertheless, he again stresses the stupidity of the British in not believing in the good faith of their French Allies as far as the fleet was concerned, a good faith which was proved two years later at Toulon. He then refers to Mr. Churchill's insulting speech which offended Pétain on August 20th, and which Baudouin was himself forced to answer on August 22nd with some "paroles de reproche" as he mildly terms his views. He states that he did this in order to save time and stave off the violent anglophobe campaign which was being run by Laval and had infected Darlan. He complains that Vichy goodwill was continually met with British misunderstanding and that the B.B.C. never failed to misunderstand the French situation and hurt the susceptibilities of Britain's Allies in France. He then indulges in a curious eulogy of de Gaulle whom he praises and says: "Cette noble attitude complétait à l'extérieur l'action défensive intérieur du gouvernement du Maréchal, car l'intérêt de la France présentait deux faces et son honneur deux formes". He says nothing of his wild reproaches against de Gaulle at the time, but nevertheless refers to the unfortunate situation which arose out of de Gaulle's action in splitting the French rather than unifying them. He indulges in a severe attack on Sir Ronald Campbell, who he said left Bordeaux for England on June 22nd and broke off diplomatic relations without receiving instructions from London to do so. A telegram which Baudouin received from Lord Halifax in July confirmed that Sir Ronald Campbell had only received instructions not to allow himself to fall into enemy hands. At the end of June Baudouin sent a mission of two representatives to Lisbon in order to proceed to London and begin conversations with the Foreign Office. London, however, refused to receive them and they never went further than Lisbon. He refers to a direct exchange of views in July, and in August and in September to the indirect liaison set up through the Vichy and British Ambassadors in Madrid. He comments, however: "Mais le Gouvernement britannique n'accepta que du bout des lèvres d'engager cette conversation". At the end of September came the Dakar incident which, he comments, would have meant the German occupation of North Africa if the British operation had been successful. He claims that a new approach was made to London a few days later: "Nous demandions à Londres d'écarter tout élément passionnel, de se placer sur le terrain des réalités pour éviter des incidents dont l'Allemagne ne pouvait que se réjouir. Nous lui expliquions comment nous nous efforcions de considérer des armements sous le prétexte de défendre l'intégrité de notre empire colonial. Nous lui fîmes remarquer que nous étions mieux à même que l'Angleterre pour apprécier les chances de succès et l'opportunité du passage en dissidence de telle ou telle colonie". He does not mention a word of Rougier. He then concludes by saying that all his efforts to come into contact with Britain were sabotaged by Laval becoming Minister of Foreign Affairs. In summing up he defends early Vichy policy as having greatly contributed to the final winning of the war, and says that the Germans lost the war in the west for two reasons: firstly because they did not invade England immediately in the summer of 1940, and secondly because they left the French in charge in North Africa.

The two remaining sections of his plaidoirie are only of transient interest to us. Speaking of the Franco-Japanese crisis in the summer of 1940, he begins by attacking Catroux for having come to terms with the Japanese in June and then tails off by more or less exculpating him. He relates how Vichy received a telegram ffom Catroux on June 25th stating how he on his own authority had finally decided to cut off supplies to the Chinese in Yunnan, and how he had admitted a Japanese mission under Nishihara to Tonkin. It was immediately decided to replace Catroux by Decoux, to maintain a firm attitude and to negotiate between Tokio and Vichy direct and not locally in Indo-China. He reports on June 19th Sumner Welles told St. Quentin at Washington that the United States could do nothing if the Japanese invaded Indo-China. He relates the conflict between Catroux and Decoux, and how finally they received a report on July 27th, to the effect that Decoux had been installed and Catroux had gone to Singapore. The British Commander in Singapore replied to an appeal from Catroux for help on June 23rd with the words: "Tenez bon, mais nous ne pouvons rien pour vous". A mission was sent to the United States to buy arms for the equipment of the forces in Indo-China. The mission remained there for several months, and failed entirely to negotiate any purchase, succeeding only in preventing the delivery of two squadrons of bombers to the Siamese. He refers to a Franco-British military conference in June and July 1939 at Singapore, where

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the British asked the French what help they could give in the defence of Singapore, while the French in their turn were asking what help could be given by the British to Indo-China, arguing that Indo-China was the outpost and that the outpost could not be asked to come to the succour of the citadel. Finally in September 1940 the French came to terms with the Japanese and granted their demands, when they were convinced that persistence without British or American help was of no avail.

The last section of his plaidoirie is a defence of his actions which have been strongly attacked in A. Kammerer's book LA VÉRITÉ SUR L'ARMISTICE. He accuses the author of inaccuracy and pretentiousness, and states that his title as "Ambassadeur de France" hardly is appropriate for an obscure diplomat who retired in 1936. He attempts to disprove point by point numerous allegations regarding discussions at certain meetings, continually harping on the fact that Kammerer could not know what had taken place as he was not there, and his only source of information is the Vichy archives preserved at Quai d'Orsay which are incomplete because the Germans probably destroyed or took away the majority of the material.

Baudouin's attacks on Britain are in many ways much less dangerous than Flandin's because they are less specific. Nevertheless I feel strongly that unless we are prepared to produce some form of counter-argument point by point to all these allegations made against us, a general démenti will not have the desired effect and most Frenchmen will still believe that we are attempting to conceal something. While a general démenti in answer to a P.Q. is possibly sufficient for the moment, I think that we should not delay in producing chapter and verse on the subject of our relations with Vichy, either in an official statement with documents selected from our records of the period, or else in the form of a White Paper or turnover article in THE TIMES. If we remain silent we shall merely be suspected of complicity with Pétain, and if we speak in some form or other, giving rational arguments for our actions, we shall satisfy our friends and confound our enemies in France without, I feel, being accused of any interference in internal French affairs. It seems to be a matter which might very well be discussed with the French regarding the method and form of appropriate action by us. It is quite probable that the present Government has no access to a number of documents from the summer of 1940 which are in our own records, and there seems to be no reason why they should not have them placed at our disposal as the only conclusions which can be drawn from them are that we acted thoroughly honestly.

(Sgd) P.F.Tennant.

4th May, 1945.

DRAFT MEMORANDUM

The attention of His Majesty's Government in the United Kingdom has been drawn to the story published in the Paris newspaper "Combat" on the 1st March that His Majesty's Government concluded an agreement with the Vichy Government in the autumn of 1940. The text of a summary of this alleged agreement is contained in Annex A. In a document in which this summary has been circulated, it is stated that on the 24th and 26th October 1940, Mr. Winston Churchill received a representative of Marshal Pétain who brought assurances, proposals and requests from the Vichy Government. The document adds that as the result of these discussions in London, a draft agreement was drawn up in the office of Mr. Strang in the Foreign Office on the 28th October 1940: and that this text was submitted for correction and approval to the Prime Minister: that the text was communicated to Marshal Pétain on the 10th October and ratified by him on the 11th by procedure agreed in advance through the Vichy Embassy at Madrid: and that the agreement was ratified by the Foreign Office by means of a telegram addressed on the 21st November to the British Consul at Geneva.

This document gives an entirely inaccurate account of the negotiations between His Majesty's Government and the Vichy Government in the autumn of 1940 and of the mission to London of Marshal Pétain's emissary, Monsieur Rougier. The true story is that after the withdrawal of the French Ambassador from London in July 1940, His Majesty's Government sought to maintain contact with Marshal Pétain and his Ministers through less direct channels in the hope of encouraging them to keep up a maximum of passive resistance to the enemy. To this end a series of messages were exchanged with the Vichy administration during the autumn of 1940 through the British and French representatives at Madrid. The object of the exchanges was to obtain assurances from Vichy that they would not surrender the French fleet to the Germans, allow the Germans to obtain control of French overseas territory, or themselves attack the French colonies which had rallied to General de Gaulle. His Majesty's Government explained that, if such assurances were forthcoming, they would be prepared to negotiate a modus vivendi whereby limited trade would be permitted through the blockade between Metropolitan France and the African territories under Vichy control. In the event nothing came of these proposals. The replies to His Majesty's Government's approaches were unsatisfactory and it soon became clear that Vichy was too much under German influence to be able to give adequate assurances on the points in question, or to carry them out if given. In October 1940 Monsieur Rougier who represented himself as acting on the personal instructions of Marshal Pétain got in touch with the British authorities and was brought to London where he saw the Prime Minister and the then Foreign Secretary, Lord Halifax. He did not however bring to London any detailed proposals from the Vichy Government and he communicated no document to His Majesty's Government. The object of his mission seems to have been primarily to gauge the state of opinion in Great Britain and the prospects of continued British resistance to the Enemy.

No text embodying a draft agreement between His Majesty's Government and the Vichy Government was drawn up during Monsieur Rougier's visit to London or communicated at any time by His Majesty's Government to the Vichy Government. The discussions with Monsieur Rougier were directed not towards the conclusion of an agreement with the Vichy Government but towards encouraging General Weygand to go into open resistance in French North Africa. This is perfectly clear from the only document drawn up and communicated to the Foreign Office by Monsieur Rougier during his visit, the text of which, with additions by Mr. Strang and Lord Halifax (not by the Prime Minister) is contained in Annex B. While His Majesty's Government were aware that it was Monsieur Rougier's intention to visit Vichy after seeing General Weygand, he was not given any message of any kind for Marshal Pétain or any mandate to

negotiate/-

- especially after Pétain's meeting with Hitler at Montoire on Oct - a Laval's appt as M.F.A=

negotiate with the latter on behalf of His Majesty's Government. It is true that on the 5th December 1940 Monsieur Rougier addressed to the Prime Minister and Lord Halifax from Lisbon a letter, the text of which is contained in Annex C. in which he stated that he had seen Marshal Pétain and gave what purported to be three assurances which the latter wished to be communicated to His Majesty's Government. No communication purporting to contain Marshal Pétain's ratification of the draft agreement with His Majesty's Government was received through the Vichy Embassy in Madrid. Indeed, the communication actually given by the French Chargé d'Affaires at Madrid to His Majesty's Ambassador there on the 11th November 1940 was regarded by His Majesty's Government as a most disappointing document and the negotiations which had been proceeding in Madrid since September 1940 came to an end before the end of the year without any concrete result. Finally, it is not true that the telegram sent to His Majesty's Consul at Geneva on the 21st November contained His Majesty's Government's ratification of the alleged draft agreement with the Vichy Government. The telegram in question, the text of which is contained in Annex D, merely summarised for the information of Monsieur Rougier the results of the abortive negotiations pursued in Madrid between September and November 1940.

The true position as regards the various heads of the alleged agreement contained in Annex A is as follows:

(a) "Engagements de la Grande Bretagne à l'égard de la France".

It is true that His Majesty's Government informed both the Vichy Government (through the Vichy Embassy in Madrid) and Monsieur Rougier that Great Britain would re-establish France in her integrity and sovereignty if she did nothing to aid the victory of the totalitarian powers, and a fortiori if she contributed to British victory. This is indeed no more than a re-statement of the repeated public declarations of the policy of His Majesty's Government.

(b) "Attention au Blocus".

It is true that His Majesty's Government informed the Vichy Government through the Vichy Embassy at Madrid that they would be prepared to study any proposals which the Vichy Government might wish to make regarding the possibility of trade exchanges between French colonies and unoccupied France, if the Vichy Government could give adequate assurances that those parts of the French Colonial Empire not controlled by General de Gaulle did not fall under German or Italian influence. His Majesty's Government never received an assurance on this point that they could regard as adequate and they never gave any undertaking not to interfere with ships sailing between the French colonies and metropolitan France. Nor did His Majesty's Government ever enter into the economic negotiations with French representatives in Madrid which it had been proposed to undertake if adequate assurances were received. The Eccles-Marshal negotiations regarding the import of supplies from the United States into French Morocco were in no way connected with the proposed negotiations regarding the import of supplies into metropolitan France from the French colonies.

(c) "Accord sur le Statut des Colonies françaises demeurées fidèles à Vichy".

His Majesty's Government never at any time gave any assurance to the Vichy Government that they would not attempt to liberate or win over French colonies remaining under Vichy control.

(d)/-

(d) "Accord sur la Radio".

Nor did His Majesty's Government at any time give an assurance that the B.B.C. would abstain from all criticism of Marshal Pétain.

(e) "Engagements de la France concernant les Colonies et les Bases".

(i) The only assurance received by His Majesty's Government to the effect that the Vichy Government would not seek to recover by force the colonies which had rallied to General de Gaulle was that contained in Monsieur Rougier's letter written from Lisbon on the 5th December 1940. No such assurance was ever given officially through the Vichy Embassy in Madrid.

(ii) The Vichy Government did give through the Vichy Embassy in Madrid an official assurance that France would "maintain the control of her colonial Empire". Monsieur Rougier's letter of the 5th December 1940 contained a more detailed assurance that France would not surrender air or naval bases or her fleet to the Axis powers and would resist in North Africa by force of arms any attempt on the part of the Spaniards, Germans or Italians to take possession of her colonies.

(iii) His Majesty's Government did not at any time receive from the Vichy Government any assurance that the latter would bring the French Empire back into the war whenever the British or their eventual Allies could prove their strength, and could land in force and equip the French troops.

(f) "Engagement spécial concernant la Flotte".

The Vichy Government, through their Embassy in Madrid, gave a general assurance that France would "maintain the ownership of her fleet, whether disarmed or not" but they never gave any detailed assurance regarding the sabotage of the French fleet in the terms suggested in the summary of the alleged agreement.

BRITISH EMBASSY,
PARIS.

11th May, 1945.

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ANNEX A

(a) ENGAGEMENTS DE LA GRANDE BRETAGNE A L'EGARD DE LA FRANCE

(1) La Grande-Bretagne rétablira dans son intégrité et sa souveraineté la France, si elle ne fait rien pour aider la victoire des totalitaires, et à fortiori, si elle contribue à la victoire britannique.

(2) Au cas où le Gouvernement Français cèderait des bases aériennes et navales aux totalitaires, la Grande-Bretagne ne répondrait plus du sort futur de la France et de son Empire.

(b) ATTENTION AU BLOCUS

(1) Le Gouvernement Britannique assimilera à du cabotage qui ne tombe pas sous le blocus, le transport des denrées coloniales de DAKAR, de CASABLANCA, et des ports Nord-Africains aux ports de Provence.

(2) Le Gouvernement anglais enverra à MADRID un expert économique qui s'entendra avec un expert économique Français au sujet d'échanges éventuels avec le MAROC.

(c) ACCORD SUR LE STATUT DES COLONIES FRANCAISES DEMEUREES FIDELES A VICHY

(1) Le Gouvernement Anglais s'engage à ne plus chercher à prendre par la force ou à débaucher par la propagande les colonies françaises demeurées fidèles au Gouvernement de VICHY.

(2) Toute agression anglaise contre les colonies Françaises sera repoussée par les armes pour éviter la défense conjointe par l'axe des dites colonies, ce qui équivaudrait à céder à l'Axe les colonies françaises et leurs bases.

(d) ACCORD SUR LA RADIO

La radio britannique s'abstiendra de toute critique à l'égard de la personne du Chef de l'Etat français, le Maréchal PETAIN.

(e) ENGAGEMENTS DE LA FRANCE CONCERNANT LES COLONIES ET LES BASES

(1) Le Gouvernement français s'engage à ne pas chercher à reprendre par la force les colonies passées à de GAULLE.

(2) Le Gouvernement français s'engage à ne céder à l'Axe ni les ports de Provence, ni les bases de l'Afrique du Nord, du Maroc et de l'Afrique Occidentale.

(3) Le Gouvernement français remettra l'Empire dans la guerre le jour où les Anglais et les alliés éventuels auront fait la preuve de leur force, seront à même de débarquer en nombre et d'équiper les troupes françaises, privées actuellement de munitions, de matériel lourd, de D.C.A., de canons anti-chars, et de moyens de locomotion.

(f) ENGAGEMENT SPECIAL CONCERNANT LA FLOTTE

Le Gouvernement français, conformément aux assurances solonnelles qu'il a déjà données à plusieurs reprises au Gouvernement britannique s'engage à saborder les Unités de sa flotte plutôt que de les laisser tomber aux mains des allemands et des italiens. Des ordres annulant tous les ordres ultérieurs ont été donnée à tous les Commandants dans ce sens.

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ANNEX B

(C 11442/G)

[Memorandum by Monsieur Rougier]

ENTRETIEN AVEC WEYGAND

I. Point de vue de l'Angleterre

A. Decision du peuple et du gouvernement Britanniques de mener la guerre jusqu'a l'effondrement de l'Hitlerisme.

Fausses idées que l'on se fait sur les effets des bombardements de Londres - Le peuple est stoique, joyeux même et accepte le risque des bombardements - La vie quotidienne poursuit son cours - Nécessité d'abandonner l'idée qu'une fatigue collective puisse imposer au gouvernement de signer un paix de compromis. Le peuple le plus pacifique du monde accepte de se transformer en une énorme machine de guerre. Rôle significatif des femmes dans cette mobilisation de toute la nation (divers services auxiliaires).

B. Capacité du gouvernement britannique de poursuivre la guerre.

1. Appui financier total des Etats-Unis.

2. Accroissement de l'appareil militaire: Bombardiers avec un rayon d'action permettant de bombarder toutes les villes d'Italie en partant de l'Egypte. Maîtrise de l'air. [in 1941].

C. Durée probable de la guerre suivant l'attitude de l'Empire français.

1. Avec une révolte de l'Afrique du Nord permettant d'établir des bases en Tunisie: 1 an.

[These are his own estimates]

2. Sans bases en Tunisie, mais avec la possibilité d'arreter la pénétration allemande en direction du Canal de Suez et de l'Irak: 2 ou 3 ans.

3. Avec perte de la Mediterranée et de l'Egypte: 10 ans.

L'attitude de l'Empire français peut donc décider de la durée de la guerre et par suite du sort matériel et moral des populations de l'Europe. Une responsabilité énorme pèse donc sur les épaules des chefs responsables de l'Empire.

D. Décision de la Grande Bretagne à l'égard de la France.

1. La rébablir dans son étendue et sa souvernainté si elle ne fait rien pour aider la victoire des Totalitaires et, a fortiori si elle contribue à la victoire britannique.

[If General Weygand will raise the standard in North Africa, he can count on the renewal of the whole-hearted collaboration of the governments and peoples of the British Empire, and a share of the assistance afforded by the United States].

2. Au cas où le gouvernement français céderait des bases aeriennes et navales aux Totalitaires, la Grande Bretagne ne repondrait plus du sort futur de la France et de son empire.

[In such case, Great Britain would do everything in her power to strike at a Government that had been guilty of so base a betrayal]

E. Attenuation de blocus au cas où la France suit passivement soit activement aiderait la victoire britannique.

II. Point de vue de la France

A. Point de vue légal

Le gouvernement de Pétain a pris l'engagement solennel (a) de sauvegarder l'unité et l'integrité de l'empire: (b) de faire une paix dans l'honneur qui exclut la cession de la flotte et des bases dans les colonies. Or, en proie au chantage d'Hitler qui détient des gages terribles (2.300,000 prisonniers, 2/3 de la France) il ne peut tenir ses engagements envers la nation.

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Les chefs de l'empire, par contre, qui ne sont pas battus ont le devoir de faire respecter les engagements et la consigne d'honneur du Maréchal en soulevant l'Empire. Ils interprétent ainsi la veritable volunté de la nation.

B. Point de vue religieux.

Accepter la paix allemande, c'est accepter le triomphe d'idéologies dénoncées comme antichrétiennes par le Saint-Siege.

C. Point de vue moral.

Accepter la paix allemande, alors que de petits peuples comme la Hollande, la Belgique, la Norvège, la Grèce ne l'acceptent pas, c'est déshonorer le peuple français devant l'Histoire.

/Effect of such capitulation on United States. (V. President's message)/.

D. Avenir de la France.

Accepter la paix hitlerienne, c'est devenir une nation associée au brigandage hitlerien de 4e rang, après l'Italie et l'Espagne. C'est rejeter toutes les valeurs spirituelles qui font que la France a une signification universelle dans le monde.

C'est du reste courir à une nouvelle défaite, car, à la fin la victoire appartiendra aux peuples qui tiennent la mer et qui combattent pour un idéal consciousement accepté. C'est courir à une révolution intérieure terrible, car un jour ou l'autre le peuple de France demandra des comptes à son gouvernement et à son armée.

E. Point de vue de l'armée.

C'est la seule façon de sauver le prestige de l'armée et de la tradition française et son prestige à lui, Weygand.

III. Secours immédiats et progressifs que la Grande Bregagne pourrait apporter aux chefs de l'empire.

A. Nécessité d'envoyer un officier à Gibraltar ou à Londres.

B. Secours immédiat de pétrole, produits alimentaires, munitions de guerre, etc.

IV. Le cas du Général de Gaulle.

Son acceptation de rentrer sous l'obédience de Weygand au cas où Weygand souleverait l'empire.

/We shall do our best in this sense: but we cannot speak definitely for General de Gaulle./

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ANNEX C

(C 13251/G)

Extract from a letter from M. Rougier
to the Prime Minister and Lord Halifax.

(Translation)

Mr. Prime Minister,
Dear Lord Halifax,

Lisbon, December 5, 1940.

I have brought back from Vichy three assurances from Marshal Pétain which he asked me to communicate to you:-

(i) France will not sign a separate peace with the Axis before the end of hostilities between England and Germany.

(ii) France will not surrender air or naval bases or her fleet to the Axis Powers and will resist in North Africa by force of arms any attempt on the part of the Spaniards, Germans or Italians to take possession of her colonies.

(iii) France accepts as a fait accompli until the end of hostilities the subjection of French Equatorial Africa to de Gaulle, it being understood that French Equatorial Africa will be returned to her at the end of hostilities and that no fresh operation will be directed against French West Africa, Morocco or North Africa.

This third condition was the most difficult to secure, Darlan and Laval wishing to send the fleet to recapture Libreville. This result is due in large part to my personal intervention.

I think I have thus attained my first objective: to prevent the irreparable between England and France. I think I have thus spared Great Britain the loss of a great number of human lives and of millions of pounds sterling. I think I have spared France a new catastrophe in which her honour would have foundered.

I am sending you through Sir Noel Charles a series of notes relating to the relaxation of the blockade, British broadcasts in French, the special position of Morocco, the attitude to be adopted towards Weygand, etc. I beg you to be guided by them for the good of our two countries and the successful outcome of the war . . . . . .

(signed) LOUIS ROUGIER.

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ANNEX D

(Z 3956/255/G)

Telegram to GENEVA dated 21st November 1940.

The Vichy Government have assured us that they will make no unjustified attack on us and have declared their determination to retain control of their Colonial Empire and Fleet. We have asked them that they should for the time being tacitly refrain from active operations against the Free French Colonies, that they will resist German or Italian attack on, or infiltration into, those territories which have remained loyal to Vichy, and that they will effectively prevent their ports or territories being used as bases for Air or U-Boat attack on us.

On our side we do not covet or seek to acquire any French territory and would be prepared to help any French resistance to German or Italian designs to the best of our ability.

If, however, in present circumstances, any part of the French Empire should spontaneously declare for General de Gaulle, we would recognise its accession to his cause and would defend it from the sea in accordance with the undertaking we have already given to General de Gaulle.

We have already declared our intention, when victory is achieved, to restore the greatness and independance of France and this covers those parts of the French Empire which have declared or may declare for General de Gaulle.

The conditions outlined above would constitute merely a provisional arrangement whereby the situation might be held while means are sought of reaching a MODUS VIVENDI (last two words underlined).

On this understanding we are prepared to begin economic discussions with the Vichy Government at Madrid, trade between French North Africa and Ports in unoccupied France being first reviewed, and are prepared to send a representative from this country to meet a representative from Vichy at Madrid.

FOREIGN OFFICE, S.W.1.

IMMEDIATE. June 3rd 1945.

I enclose a copy of the reply which will be made to Captain McEwen's question about the negotiations with Vichy in 1940, which is down for June 6th.

In this connexion it would be useful for us to have a copy of the book about these negotiations which we understand Professor Rougier to have recently published in Canada. Could you ask the High Commissioner's Office to obtain one for us as a matter of urgency?

(R.L.Speaight)

Miss Staple,
Dominions Office.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. z6230/255/G.

R.L.S.

Draft.

Mr. Duff Cooper.

(From Mr. Harvey)

Copy Lord Halifax, Washington

f1

84

Secret

6 June 1945.

My dear Duff

I am sorry not to have thanked you sooner for your letter 559/25/45 of May 16th about negotiations with Vichy in the autumn of 1940. We were waiting for final approval of the inspired Parliamentary question before considering the matter further. As you will now have seen from our telegram No. 1665, this has now been given and the question will be asked on June 6th.

2. We ~~agree with you about the~~ think too that the advantages of ~~in~~ following up the question with a fuller statement of the facts. ~~We think that~~ It is probably likely in any case that the question will lead to a demand for a White Paper, and we are already making our preparations for publishing one. Our idea is that the Paper should include Nos. 6, 9, 11, 12, 16, 17, 22, 23, 24, 26, 27, 39 and 42 in the Print Section "Anglo-French relations August-December 1940", and also annexes B, C and D to the memorandum enclosed in your letter under reference. There would of course have to be a short introductory statement putting the various documents in their proper perspective.

pm 3/6

3. We must now wait until we see how the Parliamentary question goes. If there is no demand

3. Meanwhile, we feel that it would be a good idea for you to let the Quai d'Orsay have your memorandum with its annexes straight away. We suggest that the documents should be communicated personally to Chauvel for his secret information. The only amendment that we have to suggest to the memorandum is the insertion of "especially after Pétain's meeting with Hitler at Montoire in October and Laval's appointment as M.F.A." after

/it

"it soon became clear" in the 7th sentence of paragraph 2.

I am sending a copy of this letter to Lord Halifax.

[illegible] a short [illegible] to reconsider [illegible] which I had [illegible] and [illegible] any communication [illegible] of your views or [illegible] lines of [illegible] memo. I enclosed.

Yours ever

4/VI

(Sd.) Oliver Harvey

NOTHING TO BE WRITTEN IN THIS MARGIN.

85

86

FOREIGN OFFICE, S.W.1.

6th June, 1945.

(Z 6230/255/G)
Secret.

My dear Duff

I am sorry not to have thanked you sooner for your letter 559/25/45 of the 16th May about negotiations with Vichy in the autumn of 1940. We were waiting for final approval of the inspired Parliamentary question before considering the matter further. As you will now have seen from our telegram No. 1065, this has now been given and the question will be asked on the 6th June.

2. We think too that there would be advantage in following up the question with a fuller statement of the facts. It is likely in any case that the question will lead to a demand for a White Paper, and we are already making our preparations for publishing one. Our idea is that the Paper should include Nos. 6, 9, 11, 12, 16, 17, 22, 23, 24, 26, 27, 39 and 42 in the Print Section "Anglo-French relations August-December 1940", and also annexes B, C and D to the memorandum enclosed in your letter under reference. There would of course have to be a short introductory statement putting the various documents in their proper perspective.

3. We must now wait however and see how the Parliamentary question goes. If there is no demand for papers, we shall have to reconsider it. In the meanwhile we think it best that you should not make any communication of your own on the lines of the memorandum you enclosed.

Yours ever

(Sgd.) Victor Harvey

The Right Honourable
A. Duff Cooper, D.S.O., M.P.,
Paris.

seen 1d. Z6230/G

BRITISH EMBASSY
WASHINGTON, D. C.
[ZONE 8]

May 29th, 1945.

Ref: G147/-/45

Dear Richard,

Your telegrams Numbers 4346 and 4347 to us of May 1st about Rougier and the so-called Petain-Churchill agreement.

Owing to some confusion we have only just seen San Francisco telegram Number 103 to the Foreign Office of May 2nd, conveying H.E's and the Secretary of State's agreement to the draft Parliamentary Question and Answer.

We have not been able to trace any record of the Parliamentary Answer having been made. Could you very kindly let us know how the matter stands? From our point of view here it would be most helpful if such a statement were made. The story is bound to go on cropping up here in view of the forthcoming trials of Petain etc., in Paris.

Yours ever,

Michael Wright

R. L. Speaight, Esq.,
Western Department,
Foreign Office,
London, S.W. 1.

88

B

Registry
No. Z 6230/255/G

R.L.S.

Despatched 3 AM 4/6

Draft.

H.M.Ambassador,

WASHINGTON.

Telegram.

No. 5850

Dated. 3.6.45.

Cypher. R

Repeat to Paris
No. 1066 Saving

Departmental No.2.

pm 3/6.

NOTHING TO BE WRITTEN IN THIS MARGIN.

My telegram No. 1065 to Paris [of June 3rd: alleged pact with Pétain].

Please inform State Department accordingly for their confidential information.

3/vi

89

Z6230/255/G.

[CODE R] DEPARTMENTAL NO. 2.

FROM FOREIGN OFFICE TO WASHINGTON

No. 5850. D. 3. a.m. 4th June, 1945.

3rd June, 1945.

Repeated to Paris No. 1066.

rrrrrr

My telegram No. 1065 to Paris [of June 3rd: alleged pact with Pétain].

Please inform State Department accordingly for their confidential information.

Z6230/255/G

The P.M. told Mr. Law yesterday that he wanted to answer the Petain P.Q. himself, that he could not do so that day & that it shd. therefore be postponed until next Tues., June 12th.

This is unfortunate. I have told Mr. Scarlett at Paris & asked him to do his best to avoid a leakage from the Quai d'Orsay; but a leakage may well occur.

Tel. it to Wiston shortly. I have asked D.O. to tell the Dominions.

PMS 7/6.

Nothing to be Written in this Margin.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z6230/255/G

Draft.

H.M. Amb.

Wash

tel. No. 6005

dated June 7..

repeat

H.M.A. Paris

No. 1239.. Saving

en clair

Desp. No. 1

91

Date 7/6

Despatched 12.45 P.M.

2.30

Important.

My tel. No. 1065 to Paris [of June 3rd: alleged pact with Pétain].

Please inform State Dept. that question has been ~~post~~ postponed until ~~Wed~~ Tuesday, June 12th.

pms 7/6.

Z.6230/255/G

[EN CLAIR] DEPARTMENTAL NO. 1

FROM FOREIGN OFFICE TO WASHINGTON

No. 6005.
7th June 1945. D. 12.45 p.m. 7th June 1945.

Repeated to Paris No. 1239 Saving.

999999

IMPORTANT

My telegram No. 1065 to Paris [of June 3rd: alleged pact with Pétain].

Please inform State Department that question has been postponed until Tuesday, June 12th.

93.

A

Registry
No.
Z 6230/255/G
R.L.S.

Despatched 7-20 P.M. 3/6
9.20 pm

Important

Draft.

H.M. Ambassador,
PARIS.

Telegram.

No. 1065 Saving
en clair cypher
Dated. 3.6.45.

Repeat in cypher to
WASHINGTON No. 5849

Departmental No. 2.

pm 3/6.

My telegram No. 4346 to Washington [of April 30th: alleged pact with Pétain].

Following question is being asked by Captain McEwen in the House of Commons on June 6th:

Begins:

To ask the Secretary of State for Foreign Affairs if he will now make a statement on the negotiations which took place in 1940 between H.M.G. and the Vichy Government." Ends.

Reply will be in the terms given in my telegram No. 4347 to Washington [of April 30th].

2. Please communicate text of question and answer to M. Chauvel on the morning of June 6th but not, repeat not, sooner, so as to avoid risk of leakage.

RA
3/VI

NOTHING TO BE WRITTEN IN THIS MARGIN.

Greer 94

Z6230/255/G.

[CYPHER] DEPARTMENTAL NO. 2.

FROM FOREIGN OFFICE TO PARIS

No. 1065
3rd June, 1945. D. 9.28. p.m. 3rd June, 1945.

Repeated to Washington No. 5849.

6 6 6 6 6

IMPORTANT.

My telegram No. 4546 to Washington [of April 30th: alleged pact with Pétain].

Following question is being asked by Captain McEwen in the House of Commons on June 6th:

Begins:

To ask the Secretary of State for Foreign Affairs if he will now make a statement on the negotiations which took place in 1940 between His Majesty's Government and the Vichy Government. Ends.

Reply will be in the terms given in my telegram No. 4547 to Washington [of April 30th].

2. Please communicate text of question and answer to M.Chauvel on the morning of June 6th but not, (repeat not) sooner, so as to avoid risk of leakage.

[OTP]

80 A

1945

Z

FRANCE

95

Z 6332

30 MAY 1945

Registry Number } Z 6332/255/17

FROM Mr. A.C.W. Drew War Office to Mr. N. Henderson.

No.

Dated 17th May 1945.

Received in Registry } 26th May 1945.

Z:France.

Arrest of Madame Maire for collaboration.

Asks if the Foreign Office can assist in the case of Madame Marie Diane Maire's arrest for collaboration, as the War Office can do nothing. She is the daughter of Major Gilbey's cousin, and particulars of her arrest are given in a letter from Wing Commander James.

Last Paper.

Z 6280

References.

(Print.)

(How disposed of.)

Off/ Wing Cdr James from Mr G.H. Hall Wlevel. for orig

Aug 23

(Minutes.)

See within.

S.A. 28/5

(Action completed.)

GO 28/5

(Index.)

19/12/45

Next Paper.

Z 6430.

29082 F.O.P.

Mr. Tahmoudin

Would Mr George
Stahl prepare
a draft letter
from Mr Colvin
James to Capt.
Beaumont which
the W.O. have
transferred to us.

J.A.H.
22.V

D.F.P.
23/5

HOUSE OF COMMONS

11/5/45

Dear Rachel

This is a twister! The writer, Hazlon Gibbey, is an excellent fellow. I wonder if the British Publishing authority who St Omer could make a tactful enquiry. N. looks to me as if the girl deserves all the cats! W.J.

Western Dept. 98

WAR OFFICE,
WHITEHALL, S.W.1.

14th May, 1945.

I presume that we can do nothing in this matter. Please let me know if you agree with this proposal. I enclose draft reply to H/C James from S.o.S.

J.N.H. 18.5

Dear Henderson,

It is quite clear that we can do nothing about this case.

Can you?

Yours sincerely,

A.C.W. Dunn

Z 6332
26 MAY 1945

She sounds like the worst sort of collaborationist.

D.J.H.

N. Henderson, Esq.

R.A.B. 19/5

99

17th May 1945.

Dear Henderson,

It is quite clear that we can do nothing about this case.

Can you?

Yours sincerely,

(Sgd.) A. C. W. DREW

N
Henderson, Esq.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. C6332/253/17

OUT FILE

100

Draft.

Wing Comdr. James
M.P.

from

~~S. of S.~~
Hugh Hall

Treaty Dept.
Fwn. Sec.
Consular Dept.

↑ pres. 19/5.

Original ent. to
Wing Comdr James
letter

The W.O. have
~~Beaumont has~~ passed to me
(to Beaumont)
your letter of May 11th enclosing
a letter from Major Gilbey about
Mme
his cousin's daughter, Marie
Diane Maire who has been
arrested by the French authorities
on a charge of collaboration.

I am afraid that there is
nothing we can do to help in
a case like this. Mme. Maire
is a French national under
French law, even if (which
is not apparent) she has
also retained her British
nationality, & we have therefore

/no

no ground for intervention. Moreover of the papers you sent Beaumont, which I return herewith, it appears that ~~she does not~~ she did in fact work for the German Air Force, & this circumstance which makes it difficult for me to regard her case with much sympathy.

H. N. Hall.

NOTHING TO BE WRITTEN IN THIS MARGIN.

OUT FILE 102

Z 6332/253/17 enclosure

FOREIGN OFFICE, S.W. 1.

23rd May, 1945.

The War Office have passed to me your letter to Beaumont of May 11th enclosing a letter from Major Gilbey about his cousin's daughter Madame Marie Diane Maire who has been arrested by the French authorities on a charge of collaboration.

I am afraid that there is nothing we can do to help in a case like this. Mme Maire is a French national under French law, even if (which is not apparent) she has also retained her British nationality, and we have therefore no ground for intervention. Moreover from the papers you sent Beaumont, which I return herewith, it appears that she did in fact work for the German Air Force, and this circumstance makes it difficult for me to regard her case with much sympathy.

Wing-Commander A.W.H. James, MC., MP.

81

Z

FRANCE

Z 6430

29 MAY 1945

103

1945

z Registry Number Z 6430/255/17.

TELEGRAM FROM
Mr. Roberts, Moscow.

No. 2013.

Dated 22nd May,
Received in Registry 29th May, 1945.

Z: France.

Moscow press and questions to Marshal Pétain

Reports that the Komsomolskaya Pravda of 22nd May publishes Paris Tass report on questions put to Marshal Pétain about the Cagoulars. States that a Paris Tass article on French strikes appeared in the Pravda of 21st May.

Last Paper.

26332

References.

(Print.)

(How disposed of.)

(Minutes.)

HJS. 30/5

Northern Dept. 30.5

(Action completed.)	(Index.)
JO 13/7	19/12/46

Next Paper.

26482

104

Z 6430

29 MAY 1945

[EN CLAIR] DEPARTMENTAL NO. 2

FROM MOSCOW TO FOREIGN OFFICE

Mr. Roberts
No. 2015
22nd May, 1945.

D. 5.55 p.m. 23rd May 1945
R. 10.50 p.m. 23rd May 1945

4 4 4

Paris Tass in Komsomolskaya Pravda 22nd publishes press report on questions to Petain about Cagoulards in particular notorious Metenier now under arrest and revelations by Roatta and Nobale.

2. Pravda 21st carried Paris Tass article on various French strikes complaining of insufficient food etcetera, for workers.

[Note by Communications Department. This telegram was received with an incorrect text and was delayed for repetition].

23 MAY 1945 FOREIGN OFFICE REGISTRY

82.

1945

Z

FRANCE

Z 6482

30 MAY 1945

105

Registry Number } Z 6482/255/17

FROM Mr.R.A.Sedgwick
Dominions Office, to
No. Mr.R.L. Speaight

Dated 25th May

Received in Registry } 30th May 1945

Z: France

Dominions interest in statement regarding the alleged Pétain-Churchill agreement.

Refers to a forthcoming book by Monsieur Rougier in which reference may be made to an alleged secret agreement concluded between Marshal Pétain and the United Kingdom Government in 1940, and asks for the text of any statement contemplated to be sent in advance to the Colonial Office for the information of Dominion Governments, particularly the Canadian which is interested owing to Monsieur Dupuy's participation in the 1940 discussion.

Last Paper.

Z6430

References.

Z3955/255/17
Z/9466/255/17

(Print.)

(How disposed of.)

Off/Chancery, Paris
from Weekly Dept
Encl. Book, June 14

(Action completed.)

(Index.)

13/12/46

Next Paper.

Z6686.

(Minutes.)

1) Do. (comm.) - Mr. Holmes, High Comm's Office, Ottawa to Sir J. Stephenson, Mag in Dept See letter to Miss Staple on Z 6230/9.

H.S. 5/6

Dominions Office,
Downing Street.
Z 6482
25 May, 1945.
30 MAY 1945

Dear Speaight,

You will have already received from Heathcote-Smith a copy of a letter from our High Commissioner's Office in Ottawa about the forthcoming publication of a book by M. Rougier, in which it is suggested that reference will be made to a secret agreement concluded between Marshal Petain and the United Kingdom Government in 1940.

Should it be decided to make a statement on this matter, we should be grateful to receive the text in advance to telegraph to Dominion Governments. As you will appreciate, the Canadian Government would be particularly interested owing to the part played in the 1940 discussions by M. Dupuy.

Yours truly,

R.L.Speaight, Esq.,
Foreign Office.

Comm. by Do. Kept with Z6482

107

OFFICE OF THE HIGH COMMISSIONER
FOR THE UNITED KINGDOM,
KARNSCLIFFE,
OTTAWA.

950H/469

9th May, 1945.

SECRET

Z 6482/255/17

6 JUN 1945

INDEXED

Dear Stephenson,

We have recently seen the telegrams exchanged between the United Kingdom Embassy at Washington and the Foreign Office about the forthcoming publication of a book alleged to refer to a secret agreement concluded between Marshal Petain and the United Kingdom Government in 1940 (see Foreign Office telegram No. 4347 of the 1st May and previous correspondence). 25257

I understand that the book referred to is by a Mr. Rougier and that he has succeeded in getting it published by a firm of publishers in Montreal. You may like to know that we have ascertained from the Canadian Censorship authorities that the book has been submitted to them and that, so far as they are concerned, they have passed it for publication on the grounds that it did not contain anything in contravention of the Defence of Canada Regulations. The book is, therefore, likely to be published here in the near future. We have not been able to obtain any further details as to what the book contains.

If the Prime Minister should decide to make a statement on the lines suggested in the Foreign Office telegram No. 4347, no doubt the text would be telegraphed to Dominions Governments in advance. We thought it possible that Mr. Dupuy's name might be mentioned in this connection, but we notice from the proposed reply that he seems to be excluded; this is probably just as well.

Yours sincerely,

(Signed) STEPHEN L. HOLMES

Sir John Stephenson,
K.C.M.G., C.V.O., O.B.E.,
Dominions Office,
London S.W. 1.

LM

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. 2 6482/255/G

Draft ✓ W
Chancery
Paris

Telegram. from
Western Dept

OUT FILE

Despatched

14th June 43.

108

Dear Chancery

Washington telegram No 3860 of the 4th June about the alleged Pétain-Churchill agreement.

We enclose herein a copy of Rougier's book, and we are retaining one copy ourselves.

Yours ever

Western Dept.

JOSEPH 14/6

OUT FILE

109

(Z 6482/255/17)

FOREIGN OFFICE,
S.W.1.

14th June, 1945.

Dear Chancery,

Washington telegram No. 3860 of the 4th June about the alleged Pétain-Churchill agreement.

We enclose herein a copy of Rougier's book, and we are retaining one copy ourselves.

Yours ever,
Western Department.

The Chancery,
British Embassy,
Paris.

83

1945

Z

FRANCE

Z 6686

5 JUN 1945

110

Registry Number Z6686/255/17

TELEGRAM FROM Earl of Halifax (Washington).

No. 3860

Dated 2nd June 1945

Received in Registry 5th June 1945

Z: France.

Alleged Pétain - Churchill Agreement.

Requests repetition to Paris as Washington telegram No. 64 Saving.

Refers to Foreign Office telegrams Nos.4346 and 4347 (Z 5257/255/17) and requests proposed parliamentary answer to be made. Supports Mr. Duff Cooper's proposal that a detailed refutation of Mr. Flandin's remarks should be issued.

A copy of Professor ~~Bargiers~~ Baudier's book is being obtained.

Last Paper.

Z 6482 (Z 5257)

References.

Z 4952/5

(Print.)

(How disposed of.)

Rptd Paris No. 1194 (Saving)
& Miss Young D.O. Ltr. of 6/6
Tel. Paris No. 1126 of 12/6
Rptd Wash. 6262 of

(Minutes.)

Dep. Reply attached

The T.M. agreed to PQ. being (see Z .../K/5) alleged [.. and this was accordingly done for the 6th June: Paris and Wash. were so informed - see tels. sent on Z 6230/G.

The T.M. has, however, since instructed that the question shd. be postponed until June 12th [: Paris and Wash. have been informed.

The question of a White Paper about the negotiations is discussed in the Sp. rights minute on Z 6230/G.

The D.O. have also asked Ottawa to get us a copy of the book (see D.O. tel. on Z 6482/255/17) in accordance with a request to Miss Stopple on Z 6230/G.

H.S. inform 7/6

1) D.O. (Comm.) Tel. No. 1257 of 5/6 rec. 7/6 from Canada.
2) D.O. (Comm.) Circular Tel. No. 992 of 5/6
3) " " 993 of 5/6
4) " " 1009 of 13/6

(Action completed.)

(W) 4/6/46.

(Index.)

13/12/46 stmd

Next Paper.

Z 6750

[CYPHER] DEPARTMENTAL NO. 1.

FROM WASHINGTON TO FOREIGN OFFICE

Earl of Halifax.
No. 5860. D. 1.55. a.m. 4th June 1945.

2nd June 1945. R. 10.5. a.m. 4th June 1945.

Repeated to High Commissioner's Office, Ottawa,
Paris. Saving.

Z 5257/255/17

Your telegrams Nos. 4,546 and 4,547.

According to press Rou[gp. undec.]r's book referred to in my telegram No. 2671 was published in Canada on May 29th.

Z 4952/9 Z 6230/G

2. In the circumstances it would be most helpful to us here if proposed parliamentary answer could be made. I also support proposal in Duff-Cooper's letter to Harvey of May 16th that, in addition, a detailed refutation of the Flandin remarks which would of course cover R's story should be issued. I would like to have text for use here where story is constantly cropping up.

3. I am asking High Commissioner's Office Ottawa to obtain copies of R's book for your use and that of His Majesty's Ambassador Paris.

4. Foreign Office please pass to Paris as my telegram No. 64 Saving.

OTP

[Repeated to Paris No. 1194 Saving.]

Z 6686
5 JUN 1945

JUN 5 1945 F.O. REGISTRY

F 6682/255/7

WR
112

(This is an unparaphrased version of a Secret cypher message and unless it is marked O.T.P. (One Time Pad) the text must first be paraphrased if it is essential to communicate it to persons outside British and United States Government Services.)

INWARD TELEGRAM

CYPHER (TYPEX) O.D.

FROM: CANADA (H.C.)

INDEXED

TO: D.O.

RPTD. WASHINGTON (H.M.E.EMBASSY)

D. 5th June, 1945. 2.58 p.m.

R. 5th " " 11.58 p.m.

No.1257

Addressed Dominions Office No.1257, repeated United Kingdom Embassy Washington by bag No.41.

Telegram of 4th June No.3860 from Washington to Foreign Office.

2. Copies of Rougier's book despatched to you by air today, and copy sent to United Kingdom Embassy Washington.

Dominions Office Reference No. WF 274/43.

with the Compliments of U S of S. for Dominion affairs

Date 8 JUN 1945

Reference D.O note 6/5/45

Z 6686/255/P

113

(This is an unparaphrased version of a Secret cypher message and unless it is marked O.T.P. (One Time Pad) this text must first be paraphrased if it is essential to communicate it to persons outside British and United States Government Services.)

OUTWARD TELEGRAM

PQ.WP 274/43.

CYPHER (TYPEX) INDEXED O.D.

FROM: D.O.

TO: CANADA (GOVT.)
AUSTRALIA "
NEW ZEALAND "
SOUTH AFRICA "

(Sent 6.0 p.m. 5th June, 1945).

D. No. 992 SECRET.

My immediately following telegram contains text of inspired Parliamentary Question put down for 6th June and of Answer on subject of negotiations with Vichy Government in 1940. Dominion Governments were fully informed of course of these negotiations at the time.

[redacted] the Compliments of the
[redacted] of State for Dominions

JUN 1945

114

(This is an unparaphrased version of a Secret cypher message and unless it is marked O.T.P. (One Time Pad) the text must first be paraphrased if it is essential to communicate it to persons outside British and United States Government Services.)

OUTWARD TELEGRAM

INDEXED

Z 6686 / 255 / 17

W.F. 274/43
CYPHER (TYPEX)

13 JUN 1945 O.D.

FROM: D.O.

TO: CANADA (GOVT.)
AUSTRALIA "
NEW ZEALAND "
SOUTH AFRICA "

(Sent 9.10 p.m., 7th June, 1945.)

D.No. 1009

My telegram D.No. 993 of 5th June.

Question has been deferred to 12th June. Text of Statement should therefore be treated as confidential until then.

Z 1606/255/17

115

8 JUN 1945

OUTWARD TELEGRAM

WARNING (Any telegraphic re-transmission of this secret cypher telegram must be prepared in a one-time system).

PQ.WF.274/43
CYPHER(PUBLEX) O.D.

INDEXED

FROM: D.O.

TO: CANADA (GOVT.)
AUSTRALIA "
NEW ZEALAND "
SOUTH AFRICA "

(Sent 6.30 p.m. 5th June, 1945).

D. No. 993.

My immediately preceding telegram.

Following is text:

Question. To ask the Secretary of State for Foreign Affairs if he will now make a statement on the negotiations which took place in 1940 between His Majesty's Government and the Vichy Government.

Answer.

"Yes Sir;

I think that it would be useful for me to give the House a brief account of the facts in order to correct any misunderstandings which may have been caused by the very inaccurate reports which have been published on this subject.

After the withdrawal of the French Ambassador from London in 1940, His Majesty's Government sought to maintain contact with Marshal Pétain and his Ministers through less direct channels in the hope of encouraging them to keep up a maximum of passive resistance to the enemy. To this end a series of messages were exchanged with the Vichy administration during the autumn of 1940

through

through the British and French representatives at a neutral capital

The object of the exchanges was to obtain assurances from Vichy that they would not surrender the French Fleet to the Germans, allow the Germans to obtain control of French overseas territory, or themselves attack the French colonies which had rallied to General de Gaulle. We explained that, if such assurances were forthcoming, we should be prepared to negotiate a modus vivendi whereby limited trade would be permitted through the blockade between Metropolitan France and the African territorie under Vichy control. In the event nothing came of these proposals The replies to our approaches were unsatisfactory and it soon became clear that Vichy was too much under German influence to be able to give adequate assurances on the points in question, or to carry them out if given.

In October 1940 an emissary from Vichy who represented himself as acting on the personal instructions of Marshal Pétain got in touch with the British authorities and was brought to London where he saw the Prime Minister and the then Foreign Secretary, Lord Halifax. This emissary did not, however, come with any specific mission and the object of his visit seems primarily to have been to gauge the state of opinion in this country and the prospects of our continued resistance to the enemy. He brought with him no proposals for an agreement, and no agreement was in fact ever concluded with the Vichy administration either through this emissary or through any other channel."

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. 26686/255/17

R.L.S.

Draft.

H.M. Ambassador,
PARIS.

Telegram.

No. . . . 1126.

Dated. . 12th June

En clair.

Departmental No. 2.

Repeat to:

Washington.

No. 6245

OUT FILE

17

Despatched 12.40 A.M. 13/6

June, 1945.

IMPORTANT.

My telegram No. 6005 to Washington [of June 7th: alleged pact with Pétain].

Question was not reached on the Order Paper. Prime Minister accordingly read it out in a statement after Questions together with the reply. Reply was in the terms given in my telegram No. 4347 to Washington [of April 30th] with slight verbal amendments.

2. Prime Minister concluded by saying:- "This statement has reference to certain proceedings which are being taken in France against certain individuals".

3. Full text by bag.

12/6

OUT FILE

118.

26686/255/17.

[EN CLAIR] DEPARTMENTAL NO.2

FROM FOREIGN OFFICE TO PARIS

No.1126 D. 12.40 a.m. 15th June 1945

12th June 1945.

Repeated to Washington No.6245

.....

IMPORTANT

My telegram No.6005 to Washington [of June 7th: alleged pact with Petain].

Question was not reached on the Order Paper. Prime Minister accordingly read it out in a statement after Questions together with the reply. Reply was in the terms given in my telegram No.4547 to Washington [of April 30th] with slight verbal amendments.

2. Prime Minister concluded by saying:- "This statement has reference to certain proceedings which are being taken in France against certain individuals".

3. Full text by bag.

84

1945

Z

119

Z 6750

5 JUN 1945

FRANCE

Registry Number: Z 6750/255/17

TELEGRAM FROM Sir A. Clark Kerr - Moscow.

No. 2249

Dated 4th June, 1945.

Received in Registry 5th June, 1945.

Z : France.

Moscow press report on Professor Rougier's book. States that the Izvestiya of 3rd June reports at length on the publication in Montreal of Professor Rougier's book "agreement between Petain and Churchill", ~~reaching~~ revealing a secret agreement.

Last Paper.

Z 6686

References.

(Print.)

(How disposed of.)

(Action completed.) 14/6/45

(Index.) 14/12/46

Next Paper.

Z 6899

(Minutes.)

When the T.Q. which was arranged for yesterday has now been postponed to next Tuesday has been answered, we can telegraph text of question and answer to Moscow and suggest they draw the attention of the I.C.F.A. to it.

Bm. 13/6

H. Simpson 7/6

Northern Dept.

Yes. I do not think we should say anything to the Russians before the event.

R. Speaight 7/6

H Dum 9.6.

2

120

[EN CLAIR]

DEPARTMENTAL NO. Z 6750

5 JUN 1945

FROM MOSCOW TO FOREIGN OFFICE.

Sir A. Clark-Kerr.
No. 2249.
4th June, 1945.

D. 4.46. a.m. 5th June, 1945.

R.10.50. a.m. 5th June, 1945.

kk kk

Izvestiya June third reports at length on publication in Montreal of Professor Rougier's book "Agreement between Pétain and Churchill" revealing secret agreement to prevent Union of France with Axis and seizure of French Fleet. Rougier says he was intermediary and agreement was loyally observed till North African landings. Book contains photostats of telegrams letter and Churchill's notes. Details of agreement are quoted.

JUN 1945 F.O. REGISTRY

Z

1945

FRANCE

Z 6899

9 JUN 1945

Registry Number Z 6899/255/17	**1940 Negotiations between His Majesty's Government and the Vichy Government.**
FROM Chancery, Paris. to Western Department.	Refers to Foreign Office telegram No. 1065 (Z 6230/255/G) and encloses copy of letter dated 6th June which Mr. Duff Cooper handed to M. Chauvel on 6th June. The latter made no comment.
No.	
Dated 6th June, 1945	
Received in Registry 9th June, 1945.	
Z: France .	

Last Paper.

Z 6750

References.

(Print.)

(How disposed of.)

(Minutes.)

pp in Dept
ref attached.

F.O. Read 7/6

J.K. 12/6

(Action completed.)

12/6/45

(Index.)

13/12/45

Next Paper.

Z 6935

122

BRITISH EMBASSY,

PARIS.

6th June 1945.

Dear Department,

Your telegram No.1065. Z/G.

His Majesty's Minister handed the attached letter to Monsieur Chauvel this morning. Monsieur Chauvel thanked him but made no comment.

Yours ever,

Chancery.

Western Department,
Foreign Office.

7 6899
9 JUN 1945

BRITISH EMBASSY,

PARIS.

6th June, 1945.

The following question is being asked in the House of Commons today, the 6th June.

Captain McEwen:-

"To ask the Secretary of State for Foreign Affairs if he will now make a statement on negotiations which took place on the 1st November, 1940 between His Majesty's Government and Vichy Government."

The Foreign Office have asked us to communicate to you the text of the reply which will be given this afternoon.

"Yes Sir. I think that it would be useful for me to give the House a brief account of the facts in order to correct any misunderstandings which may have been caused by this very inaccurate report.

After the withdrawal of the French Ambassador from London in July, 1940, His Majesty's Government sought to maintain contact with Marshal Pétain and his Ministers through less direct channels in the hope of encouraging them to keep up a maximum of passive resistance to the enemy. To this end a series of messages were exchanged with the Vichy administration during the autumn of 1940 through the British and French representatives at a neutral capital. The object of the exchanges was to obtain assurances from Vichy that they would not surrender the French fleet to the Germans, allow the Germans to obtain control of French overseas territory, or themselves attack the French colonies which had rallied to General de Gaulle. We explained that, if such assurances were forthcoming, we should be prepared to negotiate a modus vivendi whereby limited trade would be permitted through the blockade between Metropolitan France and the African territories under Vichy control. In the event nothing came of these proposals. The replies to our approaches were unsatisfactory and it soon became clear that Vichy was too much under German influence to be able to give adequate assurances on the points in question, or to carry them out if given.

In October 1940 an emissary from Vichy who represented himself as acting on the personal instructions of Marshal Pétain got in touch with the British authorities and was brought to London where he saw the Prime Minister and the then Foreign Secretary, Lord Halifax. This emissary did not, however, come with any specific mission and the object of his visit appears primarily to have been to gauge the state of opinion in this country.

Monsieur A. Chauvel,

Ministry for Foreign Affairs.

country and the prospects of our continued resistance to the enemy. He brought with him no proposals for an agreement and no agreement was in fact ever concluded with the Vichy administration either through this emissary or through any other channel."

ADRIAN HOLMAN.

25

Z

1945

FRANCE

Z 6935

11 JUN 1945

z Registry Number Z 6935/255/17.

TELEGRAM FROM Sir A. Clark Kerr, Moscow.

No. 2340.

Dated 9th June,

Received in Registry 10th June, 1945.

Z: France.

Moscow press and M. Laval.

Reports that some papers of 8th June give French Madrid reports that the Spanish authorities have agreed in principle to hand over Laval. Reports publication of cartoon in "Trud" and reports on trial of traitors at Skoplje.

Last Paper.

Z 6899

References.

(Print.)

(How disposed of.)

Q) Paris No 1006
Madrid No 166
June 12

(Minutes.)

Mr. Speaight/pm 12/6

F.L.G.S. 10/6.

Copy Paris & Madrid.

(Action completed.)

13/7

(Index.)

14/12/45

Next Paper.

26964

126

[EN CLAIR]

DEPARTMENTAL No. 8

-8935

JUN 1945

FROM MOSCOW TO FOREIGN OFFICE

Sir A. Clark Kerr
No. 2340

D. 6.26 p.m. 9th June 1945

9th June 1945

R. 12.55 a.m. 10th June 1945

ØØØØØØØ

Some papers of June 8th give French Madrid reports that Spanish authorities have agreed in principle to hand over Laval. No information will be given on time and place of Laval's transfer.

2. Efimov cartoon and poem in Trud of June 8th ridicule idea of Reynaud, Daladier, Sarraut and Delbos as saviours of France and whole world.

3. Trud also reports trial of traitors at Skoplje.

JUN 10 1945

REGISTRY

87

1945

Z

FRANCE

127

Z 6964

11 JUN 1945

Registry Number } Z 6964/255/17

FROM Monsieur J. Avenol

No.

Dated 29th May

Received in Registry } 11th June 1945

Z: France

Monsieur Avenol's protest against his treatment by British authorities.

Refers to his letter of 5th January, 1941 (C [illegible]) gives details of his activities during the war in connexion with the Vichy Government; and asks why he is treated without ceremony by the British Legation, and whether he is considered a friend or an enemy. Encloses copies of his letters of 18th April and 7th May to the British Legation in Berne.

Last Paper.

Z 6935

References.

C 2472/1638/98 : 1940
C 1767
C 10672/9/17 : 1940

(Print.)

(How disposed of.)

D of I / Berne Chancery from Western Dept June 29

Copy Chancery Paris from Int. Conf. A. (F.O. tel. No. 507 to Berne June 30.

(Action completed.)

(Index.)

14/7/45

Next Paper.

Z 6982

(Minutes.)

In view of the Sec of S.'s minutes on C. 2472/1638/98 and C 1767/1638/98 of 1940, this letter need not, perhaps, be acknowledged!

D of I 4/6

I think we shd. ignore it, the more so since Mr. Norton has not answered M. Avenol's letters - we do not want to give the impression that the F.O. feel themselves more favourable than H.M. Minister. We might copy the letter to Berne Paris with a covering explaining the background, a copy

/ covering

Z 6964

128

Corresp. to Paris.

There is no record on entered paper for in the Private Secretary's file of M. Avenol's alleged letter of Jan. 5th, 1940 to the S. of S's reply.

R. Speaight 19/6

Presumably we shall regret M. Avenol to Lavina behaved badly & therefore we shd. not answer his telegram.

Rkeyserlingk
21-6.

~~Ignore~~

Yes. Ignore & inform Paris & Berne.

RM
22/VI

Draft submitted.

Forwarded 24/6
S.A. 27/6

Eudin
Z Pre Western Dept 129

20 Rue des Alpes,
Genève, le 29 Mai 1945.

Z 6964
11 JUN 1945

Monsieur le Secrétaire d'Etat,

Je ne me permettrais pas de vous faire un appel personnel, au milieu de vos responsabilités multiples, s'il ne s'agissait pour moi d'une question qui, à mon avis, touche à mon honneur.

Je n'invoque pas votre ancienne amitié, mais votre esprit de justice. J'ai l'honneur de vous soumettre les copies de deux lettres que j'ai adressées à votre Lègation à Berne, et qui sont restées sans réponse.

Depuis vingt-cinq ans, soit à Londres, soit à Genève votre gouvernement mieux que tout autre, a pu me connaître, et j'ai eu la constante impression qu'il me traitait avec la confiance et le respect que l'on doit à un ami fidèle et honorable.

Aurais-je donc commis contre votre pays un acte qui justifie un tel traitement?-

Au moment de votre retour au Foreign Office, je vous ai écrit le 5 janvier 1941, une lettre à laquelle vous avez bien voulu me rèpondre en fèvrier suivant.- Je vous exprimais mes voeux pour le,succès de votre mission, mon admiration pour l'endurance, la tènacité, l'héroïsme de votre pays, etc.. Etais-je sincère?-

Je me croyais tenu, comme on l'est entre anciens ami à vous faire personnellement connaître et à vous permettre de juger,les circonstances de ma démission en juillet 1940.

Nat Arch Z Div. Hist Library cam trace. Room 51 Land a menage (Chotkeps) clastre 6 Jan. S.H.

2c

Avant même d'avoir pris cette décision, j'étais résolu à ne pas garder des fonctions vides et des émoluments injustifiés. J'avais donc conformément à la mission que m'avait donnée l'Assemblée, congédier la plus grande partie d'un personnel que j'estimais et auquel j'étais attaché. Je ne pouvais envisager de rester le bénéficiaire privilégié des économies que j'avais ainsi opérées.

Mais ainsi que je vous l'écrivais "ma décision avait été précipitée par le choc de la rupture des relations entre nos deux pays". Je faisais ainsi allusion à l'incident de Mers-el-Kebir, qui, dans l'isolement où je me trouvais, dépourvu de toute information, avait eu sur moi une influence décisive.

Dans mon désir de clarté, je vous communiquais la copie de la lettre que j'avais envoyée le 4 juillet, au Ministère des Affaires Etrangères à Vichy.

Une fois libéré de mes obligations internationales, je n'avais eu cependant, une fois le choc passé, aucune hésitation sur l'attitude que, comme Français, je devais avoir vis-à-vis de la Grande-Bretagne. Quand je me rendis à Vichy pour la première fois, du 21 au 25 Août, je me trouvais complètement d'accord avec M.Charles Roux, alors Secrétaire Général des Affaires Etrangères.

Vous avez su certainement que beaucoup de Français étaient décidés, à ce moment là, à faire de leur mieux, et qu'ils croyaient pouvoir espérer, malgré toutes les apparences, malgré la présence de Laval, éviter le pire.

Ma lettre du 5 janvier avait été dictée sous l'impression de la révocation de Laval, qui s'était produite pendant un de mes séjours à Vichy. Je croyais avoir contribué, dans une certaine mesure, à l'état d'esprit de cette crise. Aussi le ton de ma lettre du 5 janvier, était-il optimiste, -exagérément. Nous avons eu ensuite de cruelles déceptions.-

Pendant trois années (I94I- I943) j'ai vécu dans un petit village de Haute-Savoie, près de Thonon. J'en suis parti le 3I décembre I943.-Grâce à la proximité de la frontière, j'ai évité ainsi d'être déporté comme otage.

En arrivant à Genève, conformément aux instructions du Gouvernement Fédéral, qui m'avait accueilli comme réfugié politique, j' j'ai dû vivre dans la plus grande réserve.- C'est ainsi que pour vous avoir envoyé un télégramme le 6 février,-répété quelques jours après, car il est resté sans réponse,- je fus averti de m'abstenir à l'avenir de toute démarche analogue.

Veuillez me permettre maintenant de résumer la situation: Ou bien ma lettre du 5 janvier I94I était un exposé véridique, dans ce cas votre réponse de février témoignait que vous me teniez pour un ami.

Ou bien on suppose qu'elle altérait la vérité. Mais alors je demande à connaître les témoignages, allégations, informations, etc.. apportés contre moi et à pouvoir les discuter contradictoirement.

J'affirme que j'ignore absolument et que je ne puis même deviner les raisons de votre Légation de me traîter en "Outcast".-

Veuillez agréer, Monsieur le Secrétaire d'Etat, avec mes voeux sincères pour vous et pour votre pays, les assurances de ma haute considération.

J. Hvenol

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IC Re

Genève, le 7 mai 1945

20 rue des Alpes

132

Monsieur le Ministre,

A la date du 18 avril dernier, je vous ai adressé la lettre dont copie est ci-jointe, vous priant de m'accorder un rendez-vous dans la semaine du 23 au 28 avril.

Je n'ai reçu aucune réponse.

Si cette dérogation aux usages m'a causé quelque surprise, elle a démontré toutefois que l'objet de ma lettre du 18 n'était pas vain. Il est maintenant clair que votre Légation ne continue pas avec moi des relations analogues à celles dont votre Gouvernement m'a honoré depuis vingt-cinq ans.

Je n'ai jamais eu l'illusion de croire que j'ai pu remplir les devoirs que la Société des Nations m'avait confiés sans avoir quelques ennemis.

J'ai vécu depuis sous un régime d'occupation, où toute dénonciation valait condamnation. Mais pourrais-je imaginer qu'un représentant britannique puisse attribuer à celles qu'il reçoit la même valeur qu'il accorderait à des témoignages vérifiés par des épreuves contradictoires.

Cependant, si je m'étais ainsi trompé, je devrais en conclure que je n'ai pas choisi la bonne voie pour éclaircir, comme j'y suis résolu, une situation obscure.

Veuillez agréer, Monsieur le Ministre, les assurances de ma haute considération.

J. Avenol

Son Excellence
Monsieur E.J. NORTON
Légation de Grande-Bretagne
BERNE

1c.

133.

Genève, le 18 avril 1945
20 rue des Alpes

Monsieur le Ministre,

Je compte bientôt quitter la Suisse, où j'ai été accueilli comme réfugié politique, le 31 décembre 1943.

Avant de partir, je serais très désireux de vous entretenir de questions qui me concernent.

Je vous serais reconnaissant de vouloir bien me recevoir tel jour de la semaine prochaine qu'il vous plairait de fixer, entre 10 h. a.m. et 4 p.m.

Veuillez agréer, Monsieur le Ministre, les assurances de ma haute considération.

(s) J. Avenol.

Son Excellence
Monsieur E.J. NORTON
Légation de Grande-Bretagne
BERNE

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No.

Z 5964/255/17

S.H. (JW)
Draft.

Berne chancery

Copy Paris chancery with ends: A F.O. tel. no 507 to Berne.

OUT FILE

134

29 June 1945

Dear chancery,

With ref:

to earlier correspondence regarding M. Avenol, the former Secretary Gen. of the L N U, ending with F.O. tel. no 507 to Berne of the 16. Feb. 1944 we enclose for yr. information a copy of a self-explanatory letter received from M. Avenol by the S.S. from him. We cannot trace the latter's letter of the 5 Jan. 1943 but in any case do not propose to return any reply. ~~to the enclosed letter.~~

We are copying this letter, (its enclosure and the above-mentioned telegram) to Paris chancery.

yours ever.

Western Dept.

JA 27/6

OUT FILE 135

FOREIGN OFFICE,
S.W.1.

29th June, 1945.

(Z 6964/255/17)

Dear Chancery,

With reference to earlier correspondence regarding M. Avenol, the former Secretary General of the League of Nations Union, ending with Foreign Office telegram No. 507 to Berne of the 16th February, 1944, we enclose for your information a copy of a self-explanatory letter received by the Secretary of State from M. Avenol. We cannot trace the latter's letter of the 5th January 1941, but in any case do not propose to return any reply.

We are copying this letter, its enclosure and the above-mentioned telegram to Paris Chancery.

Yours ever,

WESTERN DEPARTMENT.

The Chancery,
British Legation,
Berne.

88

1945

Z

FRANCE

Z 6982

11 JUN 1945

136

z Registry Number | Z 6982/255/17.

TELEGRAM FROM Mr. Duff Cooper, Paris.

No. 859.

Dated 10th June,

Received in Registry 11th June, 1945.

Z: France.

Trial of Marshal Pétain

Refers to Foreign Office telegram to Washington No. 6005 (Z). Reports that according to Press, at meeting of examining commission of High Court of Justice on 8th June, Pétain refused to give details of manner in which alleged agreement with His Majesty's Government was negotiated since to do so would be contrary to diplomatic usage; he could only say that negotiations with Mr. Churchill began on day of Montoire and that his whole policy had been inspired by it even when British departed from it.

Repeated Washington No. 102.

Last Paper.

26964

References.

Z6730/5 — no

reports dept. available

(Print.)

(How disposed of.)

Repeated Washington 6168

(Action completed.)

Th 14/1/46

(Index.)

19/12/46

Next Paper.

27082

(Minutes.)

1) Pl. see also attached "Daily Telegraph"

H. Simpson 11/6

Pétain is lying pontifically — or else he really has forgotten what happened.

Pétain met Hitler at Montoire on 24th Oct. 1940. The "negotiations" via the Vichy Amb. at Madrid for a modus vivendi had begun about a month earlier & were ~~of course~~ only a continuation of earlier exchanges which had begun immediately after the armistice. It was of course largely due to Montoire that the negotiations were abortive.

The Paris Embassy know all about them.

29082 F.O.P.

R. Speaight 12/6.

Thro

5869 Z
FRANCE

Mr. & Mrs. Frederick Hall
Ogontz School P.O.
Montgomery County
Pennsylvania

Dear Mr. & Mrs. Hall:

We are pleased to announce the marriage of your daughter Mary Ellen to Mr. Robert Lee Thompson, Jr., on Saturday, the sixth of June, nineteen hundred and twenty-four, at Trinity Church, Philadelphia.

Mr. and Mrs. Robert Lee Thompson
1924 Walnut Street
Philadelphia

NOTHING TO BE WRITTEN IN THIS MARGIN.

Minutes.

138.

Extract from "Daily Telegraph", 9th June, 1945.

PETAIN DENIES BLAME FOR EXECUTIONS

FROM OUR OWN CORRESPONDENT

PARIS, Friday.

The entire examining commission of the High Court of Justice to-day proceeded to Fort Montrouge, Pétain's place of confinement, for a two-hour interrogation.

Pétain, who betrayed signs of fatigue, when questioned concerning the alleged secret agreement between Vichy and London, declared he could neither confirm nor deny it. International etiquette required consent of both parties before such matters were made public.

In reply to a question on the special anti-Communist legislation which led to the execution of those patriots in 1941, he declared that he had never allowed M. Pucheu, Minister of the Interior, to usurp his power to confirm death sentences.

On learning of the execution of the Communists the day after the sentence, he continued, he sent for the Minister of Justice, Dr. Joseph Barthelemy, and warned him that such scandalous proceedings must not occur again.

PROTEST AT MURDER

He repudiated the suggestion that he told Gen. Primo de Rivera, the Falangist leader, while he was Ambassador in Madrid: "Your bad opinion of France is due to the Popular Front Government, but all that will soon be changed."

With reference to the Vichy militia, he stated he had never appointed Darnand as Minister of the Interior and had constantly protested against his methods. After the murder of Jean Zay, the former Minister of Education, by militiamen on Aug. 6, 1944, he had written a letter dissociating himself from the authors of this crime.

Interrogated as to how far the decision to ask for an armistice had been taken on his own initiative, Pétain replied that in view of the futility of carrying on he had raised the question of peace at a Cabinet meeting and obtained the approval of the Ministers. The British Ambassador had been notified immediately.

Questioned concerning events which caused the French fleet to be scuttled at Toulon in 1942, he declared that it was impossible then for the Mediterranean squadron to sail for a neutral port.

He had no clear recollection of the telegram he is alleged to have sent to Admi. Robert, High Commissioner in the French West Indies, in June, 1943, instructing him to scuttle his warships, destroy planes and throw the gold of the Bank of France then in Martinique into the sea.

LONDON DENIAL OF SECRET TREATY

By Our Diplomatic Correspondent

It was authoritatively stated in London last night that there was not, and had never been, a "secret treaty" between the British Government and the Vichy Government, or a personal understanding between Mr. Churchill and Marshal Pétain, on the scuttling of the French Fleet or the line of policy pursued by the Vichy Government in its dealings with the Germans.

After the French armistice attempts were made by the British Government to make contact with Marshal Pétain to persuade him and his Government to give firm undertakings not to hand over the French Fleet to the Germans and not to act against the Allies in other ways. But no definite treaty or agreement, secret or otherwise, ever resulted.

M. Paris asked about this. I explained to him about the PQ. due on Tuesday and told him that the Quai d'Orsay were being kept informed by H.M. Embassy.

W.S. Simpson 10/6

[EN CLAIR] DEPARTMENTAL NO. 2.

FROM PARIS TO FOREIGN OFFICE

Z 6982

11 JUN 1945

Mr. Duff Cooper. D. 3.16. p.m. 10th June, 1945.
No. 859.
10th June, 1945. R. 3.30. p.m. 10th June, 1945.

6 6 6 6 6

Your telegram to Washington No. 6005. Z 6750/255/4

Press states that at meeting of examining commission of High Court of Justice on 8th June, Pétain was questioned about alleged agreement with His Majesty's Government. He is reported to have replied that he could not give any details of manner in which agreement was negotiated, since to do so would be contrary to diplomatic usage, as His Majesty's Government had not yet agreed to publication of story. He could only say that negotiations with Mr. Churchill began on day of Montoire, which put Montoire in its true light, and that his whole policy had been inspired by the agreement, even when the British departed from it.

Please repeat Washington as my telegram 102.

[Repeated to Washington telegram No. 6168].

11 JUN 1945 F.O. REGISTRY

84

140

Z

1945

FRANCE

Z 7052

13 JUN 1945

Registry Number: Z 7052/255/17.

FROM: Foreign Office Minute, Mr. G. Allchin.

No. -

Dated: 31st May, 1945.

Received in Registry: 13th June, 1945.

Z : France

Question of M. and Mme. Bressy's collaborationist activities.

Mr. C. Davis wishes to resume social contacts with M. and Mme. Bressy who have been allowed to come to the United Kingdom, but asks whether they are suspected of collaborationist activities. Mme. Bressy is the daughter of Sir William Erskine, former British Ambassador to Poland.

Last Paper.

Z 6982

References.

FR 5 4498

(Print.)

(How disposed of.)

(Action completed.) 30/7

(Index.) 14/12/46

Next Paper.

Z 7144

(Minutes.)

See minute

1) F.O. minute (Mr. Allchin, June 10)

P.C. Dept to note.

SA 14/6

I am asking the Visa Section, Paris, how M. Bressy got a visa.

WBleasby June 26

Rpt. July 18th

Have you heard from Paris yet?

RCD again.

Paris gave him a diplomatic visa. I attach a copy of their reply with original enclosure

WBy 17/7

EA 26/7

Mr Allchin.

144

Ref/Serv 6th July, 1945.

To: Director of Passport Control.

From: The Soldier of the British Library, Paris.

Re: [redacted]

Your V.L.2/45 of 27th June, 1945.

In the written request of the French Ministry of Foreign Affairs, above referred, under 2 which books, documents, which were granted by me on 7.5.45 to [redacted] and Madame Simone [redacted].

I may add that at the time no [redacted] of these persons were in our possession.

[redacted] L. HARPER

HP/DC Asst., PASSPORT CONTROL OFFICER, PARIS.

142

RÉPUBLIQUE FRANÇAISE

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

CABINET DU MINISTRE

300
7.3.45

Paris, le 7 mars 1945

Le Cabinet du Ministre, présente ses compliments à l'Ambassade de Grande Bretagne à PARIS et a l'honneur de lui demander de bien vouloir apposer le visa d'entrée sur le passeport de M. Pierre Bressy, Ministre Plénipotentiaire, qui se rend en mission à Londres et de Madame Pierre Bressy

Il lui en adresse par avance tous ses remerciements.

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
CABINET

Minutes.

?2 143.

I wrote a minute the other day about a Monsieur and Madame Bressy.

Mr. Speaight might like to know that Mr. Davis confirmed the presence in this country of M. Bressy as well as that of his wife.

10th June, 1945.

Western Department.
Passport Control Office) with my earlier minute.

Z7057/255/17

13 ...1945

Nothing to be Written in this Margin.

A friend of mine, Mr. Cyril Davis, of Byron 1440, told me yesterday that he and his wife knew the daughter of Sir William Erskine, formerly Ambassador to Poland. Miss Erskine was in France in 1939 and was later caught there by the German invasion. After the occupation of Paris she made her way down to Vichy and proceeded to marry M. Pierre Bressy, who Mr. Davis said, was Chef de Cabinet under M. Bonnet. (As the marriage took place after 1938 I assume that Madame Bressy is still a British subject).

7, 7052 JUN 1945

Mr. Davis said that M. and Madame Bressy were now in England staying with Sir W. Erskine. The Davis's were thinking of exchanging a few meals with them but did not wish to do so if the Bressys were quasi-collaborationists. Mr. Davis asked whether I could get a line on this.

I told Mr. Davis that, as M. Bressy had presumably been given a visa for the United Kingdom and had been allowed to come here with his wife, they had, on the face of it, been given the all clear by H.M.G.. Moreover, the French had let them go. I therefore did not think that he had anything to worry about. I would, however, see whether I could make any enquiries.

I was, ~~however,~~ by no means sure that H.M.G. were concerned in these social matters.

G Abell

Passport ~~Control~~ Office. 31st May, 1945.
Western Department (Mr. Speaight).

We did not authorise visas for M and Madame Bressy, so if they arrived recently they must have been granted visas on production of our "Ordre de Mission" which will not have been given to them if they were suspect or at least that not have been. I should think there is nothing in this at all.

7/6/45

Nothing to be Written in this Margin.

M. Bressy was in fact a pretty thorough going collaborationist & was dismissed from the French diplomatic service on that account. H.M. Embassy at Paris have, I believe, declined to have any social relations with him or his wife.

We knew about Mme. Bressy coming here, but I am surprised to learn that M. Bressy was able to accompany her.

I agree with Mr. Allchin that we are not concerned with Mr. Davis' social relations with the Bressys. He is in a different position from the members of H.M. Embassy.

R.L. Speaight 8/6.

I have said nearly as much 8/6.

H.D. 8/6

Nothing to be Written in this Margin.

Z

1945

FRANCE

Z 7144

15 JUN 1945

146

Z Registry Number | Z 7144/255/17.

TELEGRAM FROM Sir A. Clark Kerr, Moscow.

No. 2445.

Dated 14th June,

Received in Registry | 15th June, 1945.

Z: France.

Moscow press reports of Prime Minister's statement on Anglo-French Relations in 1940

Reports that all papers of 13th June publish the text of Mr. Churchill's statement made in the House of Commons on relations between His Majesty's Government and Vichy in 1940.

Last Paper.

Z7052

References.

(Print.)

(How disposed of.)

(Minutes.)

(Action completed.)

(Index.)

Next Paper.

Z7181

147

[EN CLAIR] DEPARTMENTAL NO. 2.

FROM MOSCOW TO FOREIGN OFFICE.

Sir. A. Clark Kerr. D. 11.39. p.m. 14th June, 1945.
No. 2445.

14th June, 1945. R. 6.25. a.m. 15th June, 1945.

kk kk

All papers June 13th publish text of Churchill's statement in Commons on relations between Britain and Vichy in 1940.

148

[EN CLAIR] DEPARTMENTAL NO. 2.

FROM MOSCOW TO FOREIGN OFFICE.

Sir. A. Clark Kerr. D. 11.39. p.m. 14th June, 1945.
No. 2445.

14th June, 1945. R. 6.25. a.m. 15th June, 1945.

kk kk

All papers June 13th publish text of Churchill's statement in Commons on relations between Britain and Vichy in 1940.

Z 7144
15 JUN 1945

9i

1945

Z

FRANCE

49

Z 7181

16 JUN 1945

Registry Number Z 7181/255/17

FROM House of Commons (extract).

No.

Dated 12th June,

Received in Registry 16th June, 1945.

Z: France

Prime Minister's statement on the 1940 negotiations between His Majesty's Government and Vichy.

Extract from House of Commons proceedings 6th June, giving text of statement.

Last Paper.

Z7144

References.

(Minutes.)

See within.

Copy Paris
Washington.

(Print.)

(How disposed of.)

Off minute to P.M. - on 9i
N°. 45/48 of June 8

9) Paris N° 1083
W.O. N°. 1092
June

Circulated to Paris, Cypher, W.O.

(Action completed.)

11/6/45

(Index.)

18/12/45

Next Paper.

Z 7373-

Z 7181
16 JUN 1945

150

UNITED KINGDOM AND VICHY GOVERNMENTS (1940 NEGOTIATIONS)

The Prime Minister: I run great risks, I am sure, in asking the indulgence of the House to make a statement, but this statement is on a question which, so far as I know, has nothing to do with controversial policy. Yet it is important that it should be answered in a way which will bring it to notice abroad in a manner which is desirable. This statement is made in answer to Question 49, in the name of my hon. and gallant Friend the Member for Berwick and Haddington (Captain McEwen),

"To ask the Prime Minister if he will now make a statement on the negotiations which took place in 1940 between His Majesty's Government and the Vichy Government."

I think that it would be useful for me to give the House a brief account of the facts, in order to correct any misunderstandings which may have been caused by the very inaccurate reports which have been published on this subject. After the withdrawal of the French Ambassador from London in 1940, His Majesty's Government sought to maintain contact with Marshal Petain and his Ministers through less direct channels, in the hope of encouraging them to keep up a maximum of passive resistance to the enemy. To this end a series of messages were exchanged with the Vichy Administration during the autumn of 1940, through the British and French representatives at a neutral capital.

The object of the exchanges was to obtain assurances from Vichy that they would not surrender the French Fleet to the Germans, nor allow the Germans to obtain control of French overseas territory, nor themselves attack the French Colonies which had rallied to General de Gaulle. We explained that, if such assurances were forthcoming, we should be prepared to negotiate a *modus vivendi* whereby limited trade would be permitted through the blockade between Metropolitan France and the African territories under Vichy control. In the event nothing came of these proposals. The replies to our approaches were unsatisfactory, and it soon became clear that Vichy was too much under German duress to be able to give adequate assurances on the points in question, or to carry them out if given.

In October, 1940, an emissary from Vichy, who represented himself as acting on the personal instructions of Marshal Petain, got in touch with the British authorities, and was brought to London, where he saw me and the then Foreign Secretary, Lord Halifax. This emissary did not, however, come with any specific mission, and the object of his visit seems primarily to have been to gauge the state of opinion in this country and the prospects of our continued resistance to the enemy. He brought with him no proposals for an agreement, and no agreement was in fact ever concluded with the Vichy Administration, either through this emissary or through any other channel. This reply which I have made has a reference to proceedings which are taking place in France against certain individuals.

12.6.45

WESTERN

151

Parliamentary Question

U

* 11. Captain McEwen,—To ask the Secretary of State for Foreign Affairs, if he will now make a statement on the negotiations which took place in 1940 between His Majesty's Government and the Vichy Government [*deferred till Tuesday 12th June*]

ANSWERED 12 JUN 1945

REPLY ATTACHED.

sent for entry 13.6

flag A

1673/4

JUN 1945

I

FO REGISTRY

This question was postponed at the P.M's request, since he wishes to answer it himself.

The Dept. only learnt of this postponement this morning. We at once instructed H.M Embassies at Paris & Washington to explain the position to the Quai d'Orsay & State Dept., to both of which the rest of the proposed reply had already been communicated. We asked the Paris Embassy to do their best to prevent a leakage, but there can of course be no certainty that they will succeed.

I understand that Sir O. Sargent would like the terms of the (proposed) reply brought to the P.M's attention again. I submit a draft memo accordingly. ~~The P.M~~ It is perhaps better not to tell the P.M. that the reply has already been

been given to the French & the Americans. We shall, however, be placed in rather an embarrassing position if we change it.

The background is given in Mr. Hoyer-Millar's memo at flag B.

R.L. Speaight 7/6.

After discussion with Mr Hoyer-Millar, I told No. 10. that we had given the text of our proposed reply to the French & U.S. posts. I understand that, fortunately, the P.M. is making only verbal amendments.

D.F.O. 11/6

In the event the Question was not reached. The Prime Minister therefore read out the text of the Question and of the Reply in the form of a Statement after Questions. His Reply adhered to our text with minor verbal amendments. At the end he said:- "This statement has reference to certain proceedings which are being taken in France against certain individuals".

I attach a draft telegram to Paris.

12th June, 1945.

WESTERN

153

13.

U

Parliamentary Question

* 70. Captain McEwen,—To ask the Secretary of State for Foreign Affairs, if he will now make a statement on the negotiations which took place in 1940 between His Majesty's Government and the Vichy Government. *

6 JUN 1945

This question has been asked by arrangement. The attached reply was drafted some time ago and has already been approved by the Secretary of State and the Prime Minister.

The Secretary of State thinks it likely that this question may lead to a demand for the publication of the relevant documents as a White Paper. Mr. Duff Cooper has strongly urged that this should in any case be done. The Department suggested certain documents which could properly be included in such a White Paper and the Secretary of State has approved them (see minutes at Flag A). The Prime Minister has also raised no objection to the idea of a White Paper.

In the circumstances I submit that it would definitely be in our interest for someone to ask as a supplementary whether the documents will be published. The answer to such a question would be to the effect that the Secretary of State is quite prepared to publish the relevant communications with Vichy and is arranging for a White Paper to be issued. Perhaps Lord Dunglass will arrange this.

The Dominions Governments and the U.S. and French Governments are being informed in advance of the terms of our reply.

R.L. Speaight

June 3rd 1945.

The "emissary from Vichy" mentioned in para 4 of the reply was Prof. Rougier who has been largely instrumental in spreading the story that a secret agreement was concluded with Pétain through his intermediary.

/ He

He has just published a book in Canada which we have not yet seen but which is understood to elaborate this (quite inaccurate) version of events.

pass 3/6.

In the Secretary of State's minute to the Prime Minister, flag A, to which the Prime Minister has now agreed, he said with reference to a demand for the publication of the documents "We need not be afraid of this. There might indeed be some advantage in giving the whole story in a White Paper. That can, however, be considered later." In view of the last sentence, I think we are precluded from prompting a Supplementary on the subject, although if the question is asked spontaneously I would hope that the reply would that we could give it favourable consideration.

June 4th, 1945.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No.

R.L.S.

Draft. REPLY.

+70. Captain McEwen.

June 6th 1945.

R. L. Speaight 3/6.

CM
3/vi

Yes Sir.

I think that it would be useful for me to give the House a brief account of the facts in order to correct any misunderstandings which may have been caused by these very inaccurate reports which have been published on this subject.

After the withdrawal of the French Ambassador from London in 1940, H.M.G. sought to maintain contact with Marshal Pétain and his Ministers through less direct channels in the hope of encouraging them to keep up a maximum of passive resistance to the enemy. To this end a series of messages were exchanged with the Vichy administration during the autumn of 1940 through the British and French representatives at a neutral capital.

The object of the exchanges was to obtain assurances from Vichy that they would not surrender the French Fleet to the Germans, allow the Germans to obtain control of French overseas territory, or themselves attack the French colonies which had rallied to General de Gaulle. We explained that, if such assurances were forthcoming, we should be prepared to negotiate a modus vivendi whereby limited trade would be permitted through the blockade between Metropolitan France and the African territories under Vichy control. In the event nothing came of these proposals. The replies to our approaches were unsatisfactory and it soon became clear that Vichy was too much under German influence to be able to give adequate assurances on the points in question, or to carry them out if given.

In October 1940 an emissary from Vichy who represented himself as acting on the personal

/instructions

156

instructions of Marshal Pétain got in touch with the British authorities and was brought to London where he saw the Prime Minister and the then Foreign Secretary, Lord Halifax. This emissary did not, however, come with any specific mission and the object of his visit seems primarily to have been to gauge the state of opinion in this country and the prospects of our continued resistance to the enemy. He brought with him no proposals for an agreement, and no agreement was in fact ever concluded with the Vichy administration either through this emissary or through any other channel.

For Supplementary.

In the event of it being asked whether the relevant documents may be published, it is suggested that the reply should be that this would be given favourable consideration.

NOTHING TO BE WRITTEN IN THIS MARGIN.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. Z 7181/33/17 OUT

FILE

157

FO 371/248 8th June 1945

Draft. minute to the P. M. from Mr. Law

1+4

Re Speaking 7/6.

8/VI

Flag A

Prime Minister

You spoke to me about McEwen's P.Q. about our negotiations with Vichy in 1940 which has at your request been postponed until Tues., June 12th.

2. As you intend to take this question yourself, you may like to see again the proposed reply which it was agreed to return ~~a copy of which~~ & I accordingly attach a copy of the question & the draft reply.

~~Except for a slight verbal~~ alteration

alteration in the 2nd sentence,
this draft is identical with
the one annexed to Sargent's
minute to you PM/OS/45/44 flag D
of April 28th. You replied to Sargent
on April 30th that you were flag E
not in favour of the question
being put, ~~but in the~~ Certain
~~light of~~ later developments, however,
explained in Sargent's minute
PM/OS/45/57 of May 1st, flag G
the S. of S.'s minute PM/45/209 flag H
of May 28th, reinforced the
case for a statement in
Parliament and you indicated
on the latter minute your agreement
to the course proposed flag J

NOTHING TO BE WRITTEN IN THIS MARGIN.

27/81/55/17 OUT FILE

P.M./45/248.

PRIME MINISTER.

You spoke to me about McEwen's Parliamentary question about our negotiations with Vichy in 1940 which has at your request been postponed until Tuesday, the 12th June.

2. As you intend to take this question yourself, you may like to see again the reply which it was proposed to return, and I accordingly attach a copy of the question and the draft reply.

(Sd) R.K.Hall

8th June, 1945.

Captain McEwen's Question for Tuesday, 12th June.

Captain McEwen, - To ask the Secretary of State for Foreign Affairs, if he will now make a statement on the negotiations which took place in 1940 between His Majesty's Government and the Vichy Government.

Yes, Sir.

I think that it would be useful for me to give the House a brief account of the facts in order to correct any misunderstandings which may have been caused by the very inaccurate reports which have been published on this subject.

After the withdrawal of the French Ambassador from London in 1940, His Majesty's Government sought to maintain contact with Marshal Pétain and his Ministers through less direct channels in the hope of encouraging them to keep up a maximum of passive resistance to the enemy. To this end a series of messages were exchanged with the Vichy administration during the autumn of 1940 through the British and French representatives at a neutral capital.

The object of the exchanges was to obtain assurances from Vichy that they would not surrender the French Fleet to the Germans, allow the Germans to obtain control of French overseas territory, or themselves attack the French colonies which had rallied to General de Gaulle. We explained that, if such assurances were forthcoming, we should be prepared to negotiate a modus vivendi whereby limited trade would be

permitted/

permitted through the blockade between Metropolitan France and the African territories under Vichy control. In the event nothing came of these proposals. The replies to our approaches were unsatisfactory and it soon became clear that Vichy was too much under German influence to be able to give adequate assurances on the points in question, or to carry them out if given.

In October, 1940 an emissary from Vichy who represented himself as acting on the personal instructions of Marshal Pétain got in touch with the British authorities and was brought to London where he saw the Prime Minister and the then Foreign Secretary, Lord Halifax. This emissary did not, however, come with any specific mission and the object of his visit seems primarily to have been to gauge the state of opinion in this country and the prospects of our continued resistance to the enemy. He brought with him no proposals for an agreement, and no agreement was in fact ever concluded with the Vichy administration either through this emissary or through any other channal.

<u>For Supplementary.</u>

In the event of it being asked whether the relevant documents may be published, it is suggested that the reply should be that this would be given favourable consideration.

92

1945

Z

FRANCE

Z 7373

20 JUN 1945

162

Registry Number } Z 7373/255/17.

FROM Postal and Telegraph Censorship

No. (communicated).

Dated

Received in Registry } 20th June, 1945.

Z: France.

Appeal for revision of sentence for collaboration.

Copy of telegram dated 7th June, 1945 from Herbert O'Brien, giving an address in Marseilles, to Baron Friesen in Estoril, asking for the French Embassy to be approached for revision of his case, as he has been condemned to death by a Marseilles Court for collaboration; and stating that he had already been arrested by the Gestapo for helping the French Resistance.

Last Paper.

27181

(Minutes.)

a/c of pp 2 or K.

References.

(Print.)

(How disposed of.)

(Action completed.)

(Index.)

19/12/45

Next Paper.

27541

29082 F.O.P.

CONFIDENTIAL

Ref. No. : [redacted]

Language : ENGLISH

INFORMATION AND RECORDS BRANCH
(Postal and Telegraph Censorship)

Date : 7.6.45. 1745

Co :

For Ministerial Use

Enter

163

Western Dept

am 12/6

From : HUBERT O'BRIEN
C/O DUTCH CONSUL,
9, BOULEVARD DUGOMMIER
MARSEILLE.

To : BARON FRIESEN, RUE DR JOAO REGRAS ESTORIL

CONDEMNED TO DEATH BY JUSTICE COURT IN MARSEILLE ON FALSE ACCUSATIONS WITHOUT PROOFS OF GERMAN COLLABORATION HAVE BEEN FOR ONE YEAR ARRESTED BY GESTAPO FOR HELPING FRENCH RESISTANCE WAS DELIVERED BY ALLIED LANDING PLEASE INTERFERE AT FRENCH EMBASSY FOR REVISION OF MY CASE MOST DEEPLY GRATEFUL LETTER FOLLOWS LOVE=

Z 7373

20 JUN 1945

Distribution:
F.O.
M.I.5.
DOM.

I.R.B.d.
G.M.
11.6.45.

(Use both sides of this form)

93

1945

Z

FRANCE

164

Z 7448

21 JUN 1945

z Registry Number | Z 7448/255/17.

FROM Mr. M. Wright
British Embassy,
Washington.

No. G 147/147/45.

Dated 15th June,

Received in Registry | 21st June, 1945.

Z: France.

His Majesty's Government's negotiations in 1940 with Vichy

Refers to his letter of 17th March (Z 3967/G) and discusses reactions in United States to Rougier's book. Asks for material for reply to the alleged telegram to the British Consul-General in Geneva in the course of the Pétain-Churchill negotiations.

CD/

Last Paper.

Z7373

References.

Z6230/255/17
Z3956/255/17.

(Print.)

(Minutes.)

I think we had better answer this without waiting for the issue of our despatch to Paris. Mr. Roger's reply attached.

AP. 8/7

(How disposed of.)

Off/ Mr. Wright, Washington, from Mr. Harvey Marseilles July.

See Z8304

(Action completed.)

8/7/17

(Index.)

24/12/46 gwd

Next Paper.

Z7541 (Z8304)

29082 F.O.P.

165

FOREIGN OFFICE, S.W.1.

12th July, 1945.

(Z 7448/255/17)

My dear Michael,

The answer to the questions in your letter G 147/-/45 of the 15th June about the telegram to His Majesty's Consul-General in Geneva in the course of the so-called Pétain-Churchill negotiations is contained in the enclosed draft memorandum (less annexes) prepared by Richard Speaight. You will see from this why it was felt necessary to comply with Rougier's request that he should be informed of the outcome of the negotiations in Madrid which had not been completed at the time he left London for France.

The memorandum was prepared for communication to the French and United States Governments, and thereafter for publication, and we are only awaiting clearance from various other authorities concerned before proceeding in this sense. There is no reason, however, why you should not in the meantime make use of this advance copy as background with which to answer any other enquiries from Pertinax, Edgar Mowrer, and others on which you find it impossible to stall, provided you keep dark the main point in the memorandum, which is that the alleged photostatic copy of the document headed by Rougier "Entretien avec Churchill" is a bare-faced forgery of Rougier's. This revelation should have considerable news value and we do not want the effect to be diminished by premature disclosure. Besides, if Rougier got to know that we were proposing publicity to accuse him of forgery, it would give him the opportunity to prepare his defence in advance.

As well as communicating this memorandum to the French and the Americans and giving it wide publicity, we also propose to let the French and Americans have a very full dossier of all our relevant documents of the time in support of our case as made out in the memorandum. This dossier will we hope, in due course also be published in the form of a White Paper. You will see that the memorandum enclosed in this letter is headed "Enclosure No. 2". It is in fact intended that it should form the second enclosure to a despatch to the Ambassador in Paris instructing him to lay the whole matter before the French Government, the first enclosure to be the statement which the Prime Minister has already made about Rougier in the House of Commons, and the others the documents composing this dossier to which I refer.

In addition to all this, Richard Speaight has also prepared some voluminous notes on Rougier's book, copies of which we will also let you have in due course.

Yours ever,
Oliver Harvey.

M.R. Wright, Esq.,
Washington.

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Defd.

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enclosed 20.6 with letter of 21/6

BRITISH EMBASSY
WASHINGTON, D. C.
[ZONE 8]

June 15th, 1945.

Ref: G147/-/45
URGENT

My dear Oliver,

Z 3956

Please refer to my letter to you No. G147/6/45 of March 17th about the alleged telegram to the British Consul-General in Geneva in the course of the so-called Petain-Churchill negotiations.

Now that Rougier's book has been published we have naturally been bombarded with inquiries. Pertinax and Edgar Mowrer who, of course, are anxious to be convinced that Rougier has totally distorted the facts, have both called attention to this telegram. Rougier reproduces its text on Page 159 of his book under the heading "Ratification de l'Angleterre". It also features as photostat No. VIII on Pages 420 and 421.

Z 6230/255/G

We note from the end of the third paragraph of the draft memorandum by P. F. Tennant enclosed in Mr. Duff Cooper's letter No. 559/24/45 of May 16th to you that he describes the telegram as a summary for the information of Rougier of the results of the abortive negotiations pursued in Madrid between September and November 1940. The Madrid negotiations apparently came to an end on November 11, 1942 and it is not clear why we should have taken the trouble to summarise their results to Rougier on the 21st November, if that was in fact the sole purpose of the telegram.

The Prime Minister's Parliamentary statement in the House of Commons on June 12th did not, of course, go into any detail and therefore throws no light on this point. We should be very grateful for your

/guidance

Oliver Harvey, Esq., C.B., C.M.G.,
Foreign Office,
London, S.W. 1.

Z 7448
21 JUN 1945

guidance on the explanation we should give of this telegram.

I am sending a copy of this letter to Adrian Holman in Paris.

Yours ever,

Richard Wright

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z7448/253/17

A.R.

Draft
Mr. Wright,
Washington.

(from Mr. Harvey)

12K July, 1945.

10
168.

The answer to the questions in your letter G 147/-/45 of the 15th June about the telegram to H.M. Consul-General in Geneva in the course of the so-called Pétain-Churchill negotiations is contained in the enclosed draft memorandum (less annexes) prepared by Richard Speaight. You will see from this why it was felt necessary to comply with Rougier's request that he should be informed of the outcome of the negotiations in Madrid which had not been completed at the time he left London for France.

The memorandum was prepared for communication to the French and U.S. Gove nments, and thereafter for publication, and we are only awaiting ~~the authority of the Prime Minister~~ clearance from various other authorities concerned in the sense before proceeding. There is no reason, however, why you should not make use of this advance copy as background with which to answer any other enquiries from Pertinax, Edgar Bowers, and others on which you find it impossible to stall, ~~I should, however, prefer you to keep dark~~ consider you may draw the main point in the memorandum, which is ~~of course~~ that the alleged photostatic copy of the ~~memorandum~~ document headed by Rougier "~~Entretien~~ Entretien avec Churchill" is a bare-faced forgery of Rougier's. This revelation ~~will~~ should have considerable news value and we do not want the effectoto be diminished by premature disclosure. Besides, if Rougier got to know that we were ~~going~~ preparing publicly to accuse him of forgery, it would give him the opportunity to prepare his defence in advance.

As....

original & enclosure attached

As well as communicating this memorandum to the French and the Americans and giving it wide publicity, we also propose to let the French and Americans have a very full dossier of all ~~the~~ our relevant documents of the time in support of our case as made out in the ~~statement~~ memorandum. This ~~document~~ dossier will in due course also be published in the form of a White Paper. You will see that the memorandum enclosed in this letter is headed "Enclosure No. 2". It is in fact intended that it should form the second enclosure to a despatch to the Ambassador in Paris instructing him to lay the whole matter before the French Government, the ~~The~~ first enclosure ~~would~~ to be the statement which the Prime Minister has already made about Rougier in the House of Commons, and the others ~~would be~~ comprising this dossier the documents to which I refer.

In addition to all this, Richard Speaight has also prepared some voluminous notes on Rougier's book, ~~a copy~~ copies of which we will also let you have in due course.

CM

9/vii

NOTHING TO BE WRITTEN IN THIS MARGIN.

170

FOREIGN OFFICE, S.W.1.

12th July, 1945.

(Z 7448/255/17)

The answer to the questions in your letter G 147/-/45 of the 15th June about the telegram to His Majesty's Consul-General in Geneva in the course of the so-called Pétain-Churchill negotiations is contained in the enclosed draft memorandum (less annexes) prepared by Richard Speaight. You will see from this why it was felt necessary to comply with Rougier's request that he should be informed of the outcome of the negotiations in Madrid which had not been completed at the time he left London for France.

The memorandum was prepared for communication to the French and United States Governments, and thereafter for publication, and we are only awaiting clearance from various other authorities concerned before proceeding in this sense. There is no reason, however, why you should not in the meantime make use of this advance copy as background with which to answer any other enquiries from Pertinax, Edgar Mowrer, and others on which you find it impossible to stall, provided you keep dark the main point in the memorandum, which is that the alleged photostatic copy of the document headed by Rougier "Entretien avec Churchill" is a bare-faced forgery of Rougier's. This revelation should have considerable news value and we do not want the effect to be diminished by premature disclosure. Besides, if Rougier got to know that we were proposing publicity to accuse him of forgery, it would give him the opportunity to prepare his defence in advance.

As well as communicating this memorandum to the French and the Americans and giving it wide publicity, we also propose to let the French and Americans have a very full dossier of all our relevant documents of the time in support of our case as made out in the memorandum. This dossier will we hope, in due course also be published in the form of a White Paper. You will see that the memorandum enclosed in this letter is headed "Enclosure No. 2". It is in fact intended that it should form the second enclosure to a despatch to the Ambassador in Paris instructing him to lay the whole matter before the French Government, the first enclosure to be the statement which the Prime Minister has already made about Rougier in the House of Commons, and the others the documents composing this dossier to which I refer.

In addition to all this, Richard Speaight has also prepared some voluminous notes on Rougier's book, copies of which we will also let you have in due course.

M.R. Wright, Esq.,
Washington.

1 cp 22

Enclosure No. 2.

Proposed Foreign Office Statement regarding the Alleged Secret Agreement with Vichy in 1940.

The Prime Minister was asked in the House of Commons on the 12th June about the negotiations which took place in 1940 between H.M.G. and the Vichy Government. In his reply Mr. Churchill explained that negotiations had in fact been held at a neutral capital (Madrid) during the autumn of 1940; that H.M.G. had been prepared to conclude a modus vivendi in return for certain assurances from Vichy whereby limited trade would be allowed through the blockade between French North Africa and Metropolitan France, but that nothing came of their proposals owing to the unsatisfactory attitude of the Vichy Government. The statement continued that in October 1940 an emissary who represented himself as acting on the personal instructions of Marshal Pétain came to London, apparently for the purpose of gauging the state of opinion in this country, and was received by the Prime Minister and Lord Halifax; that he brought with him no proposals for an agreement, and that no

agreement/

agreement was concluded with Vichy through that or any other channel.

The Prime Minister's statement was made in order to correct reports circulating in the U.S. and France to the effect that H.M.G. had concluded a secret agreement with Marshal Pétain after the visit to London of his emissary, M. Louis Rougier. It seemed particularly important to make the position of H.M.G. clear in this matter, since M. Rougier had shortly beforehand published in Canada a book giving a distorted account of his mission to London in which he sought to prove the existence of a secret agreement. This book has since become available to the Foreign Office and has been found to contain not only a wholly misleading interpretation of the policy of H.M.G. in the negotiations with Vichy, but certain serious mis-statements of fact which call for early correction.

M. Rougier alleges that on the 23th October, before leaving London, he drew up a note of the terms which according to his understanding would be acceptable to both H.M.G. and the Vichy Government as the basis

for/

for a secret agreement; that this note was approved by the Prime Minister with certain additions in his own handwriting; that he (Rougier) gave the note personally to Marshal Pétain on the 11th November and learnt a few days later that the Marshal had "given the order to ratify the negotiation"; and that on the 21st November he received a telegram from the Foreign Office through H.M.Consul-General at Geneva which implied that H.M.G. regarded his note as constituting a Gentleman's Agreement between themselves and Vichy. These allegations are supported by what purports to be the full text of the note, a photostat copy of its first page and a photostat copy of the telegram of the 21st November. The first of these documents bears the heading "Entretien avec Churchill". In the photostat reproduction the last word of the heading has been blacked out and M. Rougier explains that this was done in order to avoid arousing the suspicions of the photographer who made it.

The facts are as follows. M. Rougier brought to London no proposals for an agreement with the Vichy Government and was never authorised to make any such

proposals/

proposals on behalf of H.M.G. either to Marshal Pétain or to any other authority at Vichy. It was, however, suggested to him that on leaving London he should proceed to Algiers in order to provide General Weygand, then Vichy High Commissioner in French North Africa, with first-hand evidence of the state of affairs both in this country and at Vichy. It was hoped that, if General Weygand could be got to realise our confidence in ultimate victory and the extent to which Vichy had already fallen under German control, he might be induced to enter of his own initiative into direct and secret negotiation with H.M.G. with the object of bringing North Africa back into the war on the Allied side when the time was ripe. M. Rougier agreed to undertake this mission and prepared a note of the arguments which he would use in his interview with General Weygand under the heading "Entretien avec Weygand". This note was typed in duplicate, a copy being kept in the Foreign Office archives and certain additions were made in both copies with the Prime Minister's approval. The photostat copy in M. Rougier's book corresponds to the first page of the Foreign Office copy of this document except for the

deletion/

deletion of the word "Weygand" from the heading - no doubt in order to support the contention that the note was intended not as a guide for conversations with General Weygand but as a communication to Marshal Pétain. The remainder of the note as reproduced (not in photostat) by M. Rougier is not the document prepared in the circumstances described above and contains various alleged undertakings on the British side - notably that the B.B.C. would refrain from personal attacks on Marshal Pétain and that H.M.G. would not attempt to win over French colonies remaining under Vichy control - which were never given or contemplated at this or any other stage. Copies of both documents are annexed for purpose of comparison (Annexes A and B). M. Rougier's version of the note may be an earlier draft of this document, but if so it was not endorsed by H.M.G. and M. Rougier was never authorised to convey to any French authority that H.M.G. would be prepared to accept an agreement with Vichy on the lines which it indicated.

M. Rougier's attempt to prove that the so-called "Gentlemen's Agreement" was later confirmed by the Vichy Government and H.M.G. is equally without foundation. In

the/

the course of December M. Rougier addressed to the Prime Minister and Lord Halifax a letter giving an account of his conversations in North Africa and with Marshal Pétain at Vichy. He maintained in this letter that the Marshal had asked him to assure the Prime Minister that France would not sign a separate peace with the Axis before the end of hostilities between England and Germany; that she would not surrender air or naval bases or her fleet to the Axis and would resist any Axis attempt to seize her colonies; and that she accepted as a fait accompli the Free French regime in French Equatorial Africa on the understanding that that colony would be returned to her after the war and that no fresh operation would be directed against French West Africa, Morocco or North Africa. There was, however, no mention of an agreement in the letter and H.M.G. never received any communication from Marshal Pétain or his Government suggesting that they considered themselves under any commitment as a result of M. Rougier's conversations. As regards the Foreign Office telegram of the 21st November, such a telegram was in fact despatched/

despatched to H.M. Consul-General at Geneva, in order to comply with M. Rougier's request that he should be informed of the outcome of the negotiations at Madrid which were still in progress at the time of his visit to London. The photostat copy of the telegram is doubtless an authentic reproduction of the text as received by M. Rougier and the fact that certain passages in it differ slightly from the version in the Foreign Office archives can be explained by errors in transmission. This telegram contains, however, nothing more than a summary of the course of the Madrid negotiations (which as explained by the Prime Minister in his statement on the 6th June, eventually came to nothing) had no connexion with M. Rougier's conversations in London and bears no relation to the "Gentleman's Agreement" which according to M. Rougier was concluded through his intermediary.

In order to remove any remaining misunderstandings about the relations between H.M.G. and Vichy in the months following the conclusion of the Franco-German armistice, the Foreign Office intend to take an early opportunity of publishing

all/

all the relevant documents. Meanwhile, copies of these documents have been communicated for their information to the French and U.S. Governments.

94

Z

1945

FRANCE

Z 7541

23 JUN 1945

179

Registry Number: Z 7541/255/17

FROM: Mr. Holman, Paris.

No. 237/14/45

Dated: 20th June, 1945.

Received in Registry: 23rd June, 1945.

Z : France

Observer at Petain's trial.

Requests authority to send a member of the Embassy staff to attend Petain's trial and report on it.

Last Paper.

Z7448

References.

Z 2951/16/69 : 1944

(Print.)

(How disposed of.)

Off / Mr. Holman, Paris from Mr Harvey Jun 30

(Minutes.)

1945 Please write in pencil

See minutes on Z 2951/16/69 fig 1944.

The trial of Pétain is an internal French matter, and I think we should avoid giving any impression that we are in any way interfering. If third newspaper correspondents are admitted, it should be possible to obtain a proper account of the proceedings.

Forward 20/6

I do not think that anyone could accuse us of interfering if we sent an observer to a trial like this. We sent observers to Russian political trials without arousing anyone's suspicions, so far as I know. The position was quite different at Algiers.

29082 F.O.P.

1 Oy

(Action completed.)

JJ 1977

(Index.)

14/12/46

Next Paper.

2764

Qy. agree.

Re Speaight 25/6.

I think we might
be represented. If only
because of the possibility that
the defence may bring up
some allegations about Laval's
activities in 1940.

F.K. Roberts.

25.6.

I think on the whole the Embassy should send an observer to the trial. In view of the probability that it will bring up the Prime Minister's communications with Marshal Pétain, I would prefer that he should be an inconspicuous member of the staff so as to prevent any possibility of demonstrations. But I agree that we should have a reliable eye witness present.

Query. Inform Mr. Duff Cooper accordingly.

June 26th, 1945.

I agree.
A.E. June 26. 1945.

Rec'd Foreign Office 181

Z 7541

23 JUN 1945

BRITISH EMBASSY,
PARIS.

237/14/45

20th June, 1945

My dear Harvey,

As you know, the trial of Pétain will probably begin early in July. The question arises whether the Embassy should send someone to attend and report on it. We have not hitherto sent members of the staff to attend Purge trials and when we have suggested doing so, the Foreign Office has opposed it. See for instance your telegram to us at Algiers No. 448 of the 9th May, 1944. The main reason on which your instructions not to send anyone to Derrien's trial were based, namely that you thought that the French Committee ought not to hold Purge trials till France was liberated, no longer applies. The Pétain trial will clearly be an historical event of great importance, of which you ought to have an eye-witness's report and not merely one based on such accounts as the restricted French press can print. There is the further point that His Majesty's Government may be directly concerned with the trial, if Pétain persists in trying to use the story of the 1940 negotiations in his defence. Z 2951/2/17

For the above reasons the Ambassador considers that he should be authorised to send a member of his staff to attend the trial and he hopes that you will agree.

Yours ever,

Adrian Holman

ADRIAN HOLMAN.

O.C. Harvey, Esq., C.B., C.M.G.,
Foreign Office.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No.Z 7541/255/17

R.L.S.

Draft.

Mr. Holman, CMG. MC
Brit. Embassy,
Paris.

(from Mr. Harvey)

OUT FILE

30th June, 1945.

Thank you for your letter 237/14/45 of June 20th about sending an observer to Pétain's trial.

2. We realise that the circumstances are different from what they were at the political trials at Algiers and we agree that it would be to our advantage for an Embassy representative to be present as an observer. Since it seems likely that our negotiations with Pétain in 1940 will be brought up at the trial we would prefer that the observer should be a relatively junior member of the staff, so as to ~~prevent any possibility of demonstrations~~ lessen the danger of his presence provoking manifestations, or advertising

hostile comment.

OUT FILE

183

FOREIGN OFFICE, S.W.1.

30th June, 1945.

(Z 7541/255/17)

My dear Adrian

Thank you for your letter 237/14/45 of the 20th June, about sending an observer to Pétain's trial.

2. We realise that the circumstances are different from what they were at the political trials at Algiers and we agree that it would be to our advantage for an Embassy representative to be present as an observer. Since it seems likely that our negotiations with Pétain in 1940 will be brought up at the trial we would prefer that the observer should be a relatively junior member of the staff, so as to lessen the danger of his presence provoking manifestations, or attracting hostile comment.

(Sgd) Oliver Harvey

A. Holman, Esq., C.M.G., M.C.,

Paris.

95

Z

1945 FRANCE

Z 7626 184

26 JUN 1945

Registry Number Z 7626/255/17

TELEGRAM FROM Mr. Duff Cooper, Paris

No. 314 Saving

Dated 23rd June

Received in Registry 26th June 1945

Z:France

Professor Rougier's book on Anglo-French negotiations in 1940.

Reports Agence France Presse statement in press of 22nd June concerning evidence given by Rougier on "Commission Rogatoire" in United States, and summarising Mr. Chantemps's letter to Mr. Rougier accusing Mr. Reynaud of suppressing the second half of the Prime Minister's message. Considers it important that the Ministry of Information should take immediate steps to contradict false impression given by Professor Rougier's book.

Last Paper.

Z7541 (26686)

References.

(Print.)

(How disposed of.)

Off | minute to P.M. from Mr a Cadogan 28/Pm/45/315 of 5/7

(Minutes.)

pp: Rep. C/7 Prefattaldo

See separate minute (Z 8304)

pm 26/6

1) Minute by P.M. within of 26/6.

2) Minute by P.M. | July 6.

See Z 8304 and Z 8614

23/7

(Action completed.) 18/7

(Index.) 10/12/46 amd

Next Paper.

Z7691 (28304)

2 185

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on].

[EN CLAIR]

CABINET DISTRIBUTION

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper
No. 314 SAVING

D. (by bag) 23rd June, 1945.

23rd June, 1945.

R. 4.40 p.m. 25th June, 1945.

Z 7626
26 JUN 1945

Repeated to Washington No. 12 Saving.

T T T T T

Your telegram No. 1126. 2668/255/17

Press of 22nd June prints statement put out by Agence France Presse stating that High Court has now received record of evidence given by Rougier on "Commission Rogatoire" in United States. After brief reference to Rougier's evidence about alleged agreement of November 1940 (which is supported by photographs of documents) statement summarises story told by Chautemps in the letter to Rougier printed on pages 309 to 314 of latter's book, namely that M. Reynaud suppressed the second half of the Prime Minister's message agreeing that French should open armistice negotiations and so led French Council of Ministers to believe that His Majesty's Government had rejected out of hand French request to be released from undertaking not to make separate armistice or peace.

2. Figaro adds that "Reynaud is understood to have informed the Examining Commission of the High Court that the Chautemps letter contains so many inaccuracies that he doubted its authenticity". There are presumably other witnesses available to say exactly what took place at the meeting of the Council of Ministers in question. If Chautemps' story proves to be true, effect is bound to be very damaging for Reynaud.

3. Copy of Rougier's book has been received here and memorandum on the subject goes to you by bag. I consider it most important that Ministry of Information should take steps without delay to contradict false impression that this book will convey and which is likely to produce persistent misunderstanding.

JUN 26 1945
F.O. REGISTRY

Z 7626/255/17

186

30 JUN 1945

10, DOWNING STREET,
WHITEHALL,

27th June, 1945.

COPY OF MINUTE BY THE PRIME MINISTER.

Reference: Tel. No. 314 Saving from Paris to Foreign Office. Z 7626/255/17.

INDEXED

"Sir A. Cadogan.

W.S.C.

26.VI."

Dept. to see.
A.C. June 28/45.

Copy also sent to:

Mr Stallons. You may like to see Sir A. Cadogan's note as we are busy on the Reparations

NOTHING TO BE WRITTEN IN THIS MARGIN.

762
28~~34~~/255/17

DRAFT MINUTE TO THE PRIME MINISTER.

FROM SIR ALEXANDER CADOGAN.

OUT FILE 1 + 5 187

PM/45/315

5.7.45

PRIME MINISTER.

You recently drew my attention to Duff Cooper's telegram No. 314 Saving of June 23rd regarding Rougier's book.

2. The Department have been at work on this and I now submit our suggestions. We are faced with a barefaced forgery of a British document and I think it is important that the facts should be given to the press. We have, therefore, prepared a full statement of the facts about this forged document which I suggest should be communicated to the press through the Ministry of Information. Copies will of course be communicated to the French Government at the same time.

3. We also think that the time has come to communicate the copies of the relevant documents from our archives to the French Ministry of Foreign Affairs. Some of these documents are already available to them, but the most effective way of showing the position is to let them have a complete set. You may remember that the Foreign Secretary was of the opinion that there might be some advantage in publishing the documents and he satisfied himself at the time that there was nothing objectionable from our point of view in this course. We therefore propose that, in addition to communicating the text of the documents to the Ministry of Foreign Affairs, we should lay as a White Paper our despatch to Paris including all these documents.

4. I now submit a draft of the despatch

which/

which I should like to send to Duff Cooper, together with the text of the documents.

I should explain that we have discussed this procedure with Sir D. Morton, and I do not propose to bother you with the text of the documents.

5. The matter is of some urgency, as I think it is important that the facts should have been made known before the Pétain trial begins.

A.C. July 4/45.

who has concerned in the rights,

NOTHING TO BE WRITTEN IN THIS MARGIN.

2.7624/953/17

WU/45/315.

OUT FILE

189

PRIME MINISTER.

You recently drew my attention to Duff Cooper's telegram No. 314 Saving of the 23rd June regarding Rougier's book.

2. The Department have been at work on this and I now submit our suggestions. We are faced with a barefaced forgery of a British document and I think it is important that the facts should be given to the press. We have, therefore, prepared a full statement of the facts about this forged document which I suggest should be communicated to the press through the Ministry of Information. Copies will of course be communicated to the French Government at the same time.

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4. I now submit a draft of the despatch which I should like to send to Duff Cooper, together with the text of the documents. I should explain that we have discussed this procedure with Sir Desmond Morton, who has concurred in the drafts, and I do not propose to bother you with the text of the documents.

5/

5. The matter is of some urgency, as I think it is important that the facts should have been made known before the Pétain trial begins.

(Sd.) ALEXANDER CADOGAN

5th July, 1945.

R.L.S.

June, 1945.

H.M.Ambassador,
Paris.

Copy to
Washington.

Sir,

In your telegram No.314 Saving of the 23rd June and your despatch No. 681 of the 26th June Your Excellency urged that action should be taken without delay in order publicly to correct the mis-statements about the relations between H.M.G. and the Vichy Government during the first months of the Vichy regime contained in M. Louis Rougier's recently published book "Les Accords Pétain-Churchill".

2. As you are aware, M. Rougier's allegation that H.M.G. concluded a secret agreement with Marshal Pétain in the autumn of 1940 was refuted in my statement in the House of Commons on the 12th June, a copy of which is enclosed herein for convenience of reference (Enclosure No.1). That statement was, however, prepared before the receipt of M. Rougier's book and I share your view that it is now desirable to publish a fuller account of the contacts with Vichy over the period in question so as to ensure that public opinion in this country and still more in France and the U.S. should not be misled by the distorted version of the facts put out by M. Rougier. A further and more detailed statement, of which a copy is also enclosed (Enclosure No.2), will accordingly be issued by the Foreign Office through the Ministry of Information on July ..... I request that you will at once communicate the text of this Foreign Office statement to the French Ministry of Foreign Affairs, explaining to them the

/reason

reason for its publication and asking them to treat it as confidential until the date of release. You will doubtless arrange with your Press Attaché for the statement to be made available to the French press on that day.

3. The Foreign Office statement should suffice to prove beyond doubt the falsity of M.Rougier's claims in connexion with the alleged "Gentleman's Agreement". It does not, however, give in detail the whole story of the persistent but unsuccessful efforts of H.M.G. to reach an understanding with the Government at Vichy with the object of limiting to the maximum possible extent the degree of their collaboration with the enemy. It is clearly important that the French Government should be fully informed of the facts, so that they can rightly appraise our action in this matter and the motives that lay behind it. To this end I have decided that certain relevant documents from the Foreign Office archives should be communicated forthwith to the Ministry of Foreign Affairs for their confidential information. These documents fall into two sets which form enclosures Nos.3 and 4 to the present despatch: the first set covers the negotiations conducted through the British and French Ambassadors at Madrid between September and November 1940, and the second contains certain records and correspondence arising out of M.Rougier's mission to London in October of that year. In communicating these two sets of documents to the Ministry of Foreign Affairs you should explain their contents on the lines of the following paragraphs.

4. On the 8th July, 1940, following upon the action against the French fleet at Mers-el-Kebir, the French Chargé d'Affaires in London informed the Foreign Office of the decision of his Government to break off diplomatic relations with this country. H.M.G. hoped that it might still be possible for direct but

unofficial contact to be maintained between the two Governments, and before the departure of the French Chargé d'Affairs, an understanding was reached whereby this object would be achieved by the appointment of semi-official diplomatic agents of the respective Governments in London and Vichy. Later, however, the Vichy Government (doubtless acting under German pressure) made difficulties about receiving a British agent and suggested as an alternative that contact should be maintained through the British and French Embassies at Madrid. H.M.G. agreed to this procedure and the discussions at Madrid continued at intervals throughout the following three months. Their object was, on the British side, to obtain assurances from Vichy that they would not offer the French fleet to the Germans, allow the Germans to establish themselves in the African territories under their control or themselves attack the Free French colonies. Provided that preliminary assurances were given on these points H.M.G. were prepared to enter into detailed discussions for a modus vivendi whereby, in exchange for binding undertakings on the points in question, limited trade would be allowed between Metropolitan France and the French African territories under Vichy control. In the event, however, the discussions led to nothing, largely because the Vichy Government insisted that H.M.G. should undertake to make no further attacks on their territory and ships and to give up their support of General de Gaulle or at least not to help him to rally further French territories. There was in any case little chance of the negotiations succeeding for it became increasingly clear as time went on that Vichy was too much under German influence to be able to give satisfactory assurances or to carry out such assurances if given.

/5. The

5. The 15 documents contained in enclosure No.3 consist of telegrams or despatches exchanged between the Foreign Office and H.M. Ambassador at Madrid. Most of them deal only with the details of the negotiations and require no explanation. Special mention should, however, be made of documents Nos.6 and 8, containing a personal message sent by The King to Marshal Pétain of the 25th October and the Marshal's reply of the 2nd November. H.M.'s message was sent at the time of Marshal Pétain's meeting with Hitler at Montoire, when it seemed that there was a real danger of the Germans establishing bases in North Africa and securing the use of the French fleet. Although this danger did not materialise it will be observed that the Marshal's reply was couched in terms which held little promise of future cooperation between Vichy and Britain.

6. The documents forming enclosure No.4 require little comment. The first two are records of M. Rougier's conversations with Lord Halifax on the 24th October and with Lord Halifax and the Prime Minister on the 25th October. They show how little justification there is for his claim to have discussed with them the details of a possible secret agreement with Marshal Pétain. The third documents is the telegram sent to M. Rougier at Geneva on the 21st November via H.M.Consul-General. The fourth is an extract from the letter M. Rougier sent from Lisbon on the 5th December to the Prime Minister and Lord Halifax reporting on his conversations in North Africa and with Marshal Pétain at Vichy. The fifth is the more detailed report which followed this letter. These are the only accounts which H.M.G. received from M.Rougier on his mission and it will be observed that nothing in them bears out his contention that Marshal Pétain regarded himself as under any commitment to H.M.G.

P.

Enclosure No.2.

Proposed Foreign Office Statement regarding the Alleged Secret Agreement with Vichy in 1940.

The Prime Minister was asked in the House of Commons on the 12th June about the negotiations which took place in 1940 between His Majesty's Government and the Vichy Government. In his reply Mr. Churchill explained that negotiations had in fact been held at a neutral capital (Madrid) during the autumn of 1940; that His Majesty's Government had been prepared to conclude a modus vivendi in return for certain assurances from Vichy whereby limited trade would be allowed through the blockade between French North Africa and Metropolitan France, but that nothing came of their proposals owing to the unsatisfactory attitude of the Vichy Government. The statement continued that in October 1940 an emissary who represented himself as acting on the personal instructions of Marshal Pétain came to London, apparently for the purpose of gauging the state of opinion in this country, and was received by the Prime Minister and Lord Halifax; that he brought with him no proposals for an agreement, and that no agreement was concluded with Vichy through that or any other channel.

The Prime Minister's statement was made in order to correct reports circulating in the United States and France to the effect that His Majesty's Government had concluded a secret agreement with Marshal Pétain after the visit to London of his emissary, Monsieur Louis Rougier. It seemed particularly important to make the position of

His/

His Majesty's Government clear in this matter, since Monsieur Rougier had shortly beforehand published in Canada a book giving a distorted account of his mission to London in which he sought to prove the existence of a secret agreement. This book has since become available to the Foreign Office and has been found to contain not only a wholly misleading interpretation of the policy of His Majesty's Government in the negotiations with Vichy, but certain serious mis-statements of fact which call for early correction.

Monsieur Rougier alleges that on the 28th October, before leaving London, he drew up a note of the terms which according to his understanding would be acceptable to both His Majesty's Government and the Vichy Government as the basis for a secret agreement; that this note was approved by the Prime Minister with certain additions in his own handwriting; that he (Rougier) gave the note personally to Marshal Pétain on the 11th November and learnt a few days later that the Marshal had "given the order to ratify the negotiation"; and that on the 21st November he received a telegram from the Foreign Office through His Majesty's Consul-General at Geneva which implied that His Majesty's Government regarded his note as constituting a Gentleman's Agreement between themselves and Vichy. These allegations are supported by what purports to be the full text of the note, a photostat copy of its first page and a photostat copy of the telegram of the 21st November. The first of these documents bears the heading "Entretien avec Churchill". In the photostat reproduction the last

word/

Most of the heading has been blacked out and Monsieur Rougier explains that this was done in order to avoid arousing the suspicions of the photographer who made it.

The facts are as follows. Monsieur Rougier brought to London no proposals for an agreement with the Vichy Government and was never authorised to make any such proposals on behalf of His Majesty's Government either to Marshal Pétain or to any other authority at Vichy. It was, however, suggested to him that on leaving London he should proceed to Algiers in order to provide General Weygand, then Vichy High Commissioner in French North Africa, with first-hand evidence of the state of affairs both in this country and at Vichy. It was hoped that, if General Weygand could be got to realise our confidence in ultimate victory and the extent to which Vichy had already fallen under German control, he might be induced to enter of his own initiative into direct and secret negotiation with His Majesty's Government with the object of bringing North Africa back into the war on the Allied side when the time was ripe. Monsieur Rougier agreed to undertake this mission and prepared a note of the arguments which he would use in his interview with General Weygand under the heading "Entretien avec Weygand". This note was typed in duplicate, a copy being kept in the Foreign Office archives and certain additions were made in both copies with the Prime Minister's approval. The photostat copy in Monsieur Rougier's book corresponds to the first page of the Foreign Office copy of this document except for the deletion of the word "Weygand" from the heading - no doubt in order to support the contention that the note was intended not as a guide for conversations with General Weygand but as a communication

to/

to Marshal Pétain. The remainder of the note as reproduced (not in photostat) by Monsieur Rougier is not the document prepared in the circumstances described above and contains various alleged undertakings on the British side - notably that the British Broadcasting Corporation would refrain from personal attacks on Marshal Pétain and that His Majesty's Government would not attempt to win over French colonies remaining under Vichy control - which were never given or contemplated at this or any other stage. Copies of both documents are annexed for purpose of comparison (Annexes A and B). Monsieur Rougier's version of the note may be an earlier draft of this document, but if so it was not endorsed by His Majesty's Government and Monsieur Rougier was never authorised to convey to any French authority that His Majesty's Government would be prepared to accept an agreement with Vichy on the lines which it indicated.

Monsieur Rougier's attempt to prove that the so-called "Gentleman's Agreement" was later confirmed by the Vichy Government and His Majesty's Government is equally without foundation. In the course of December Monsieur Rougier addressed to the Prime Minister and Lord Halifax a letter giving an account of his conversations in North Africa and with Marshal Pétain at Vichy. He maintained in this letter that the Marshal had asked him to assure the Prime Minister that France would not sign a separate peace with the Axis before the end of hostilities between England and Germany; that she would not surrender air or naval bases or her fleet to the Axis and would resist any Axis attempt to seize her colonies; and that she accepted as a fait accompli the Free French régime in French Equatorial Africa on the understanding that that colony would be returned to her after the war and that no fresh operation would be directed against French West Africa, Morocco or North Africa. There was, however,

no/

no mention of an agreement in the letter and His Majesty's Government never received any communication from Marshal Pétain or his Government suggested that they considered themselves under any commitment as a result of Monsieur Rougier's conversations. As regards the Foreign Office telegram of the 21st November, such a telegram was in fact despatched to His Majesty's Consul-General at Geneva, in order to comply with Monsieur Rougier's request that he should be informed of the outcome of the negotiations at Madrid which were still in progress at the time of his visit to London. The photostat copy of the telegram is doubtless an authentic reproduction of the text as received by Monsieur Rougier and the fact that certain passages in it differ slightly from the version in the Foreign Office archives can be explained by errors in transmission. This telegram contains, however, nothing more than a summary of the course of the Madrid negotiations (which as explained by the Prime Minister in his statement on the 6th June, eventually came to nothing) had no connexion with Monsieur Rougier's conversations in London and bears no relation to the "Gentleman's Agreement" which according to Monsieur Rougier was concluded through his intermediary.

In order to remove any remaining misunderstandings about the relations between His Majesty's Government and Vichy in the months following the conclusion of the Franco-German armistice, the Foreign Office intend to take an early opportunity of publishing all the relevant documents. Meanwhile, copies of these documents have been communicated for their information to the French and United States Governments.

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10, DOWNING STREET,
WHITEHALL,

INDEXED July 6, 1945.

COPY OF MINUTE BY THE PRIME MINISTER.

Reference: Minute to the Prime Minister by Sir A. Cadogan (PM/45/315 of 5.7.45) - Monsieur Rougier's book.

Western

Initialled clean

"W.S.C.

6.7.45."

Draft despatch to Paris approved without amendment.

6.7.45.

Copy also sent to:

7626
~~8300~~ 2537 17

Z

Z 7691

27 JUN 1945

1945

FRANCE

202

Registry Number Z 7691/255/17

FROM Mr. Duff Cooper. Paris.

No. 681

Dated 559/36/45 26th June,

Received in Registry 27th June, 1945.

Z: France

1940 negotiations between His Majesty's Government and Vichy: forgery in Monsieur Rougier's book.

Refers to Paris telegram No. 314 saving of 23rd June, (Z 7626/255/17) and transmits copy of a memorandum summarising the main points in Monsieur Rougier's book "Les Accords Pétain-Churchill", together with copy of an extract from "Liberation" of 24th June in which Monsieur Rougier's version of the facts is given.

Considers that a full statement of the true facts should be published in order to make it clear that the essential part of the doucment published as a record of Monsieur Rougier's conversation with the Prime Minister is a forgery. Copied M.of I.& Washington

Last Paper.

(Z7626)

References.

(Print.)

(How disposed of.)

Dft) Sir A. Lascelles Buckingham Palace from me - Dixon. July 9.

(Action completed.)

July 10/8 July 1947

(Index.)

14/12/46

Next Paper.

Z 7758 (Z 7831)

(Minutes.)

(Z 8304)

See separate minute ~~letter~~

pres 2/7.

See written:

1) Sir A Lascelles, Buckingham Palace, July 10

H.J.S. 10/8

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9.XII

Private Secretary

I shd. be grateful if a letter on the attached lines cd. be written to Sir A. Lancelles. The draft is self-explanatory. There is none urgency about the business because we wish to complete it before the Pétain trial comes on.

H Rumbold
8/.

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BRITISH EMBASSY,
PARIS.
26th June 1945.

559/36/45
No.681.

Z 7691
27 JUN 1945

1626/255/17

Sir,

With reference to my telegram No.314 Saving of the 23rd June, I have the honour to transmit to you herewith a copy of a memorandum containing a summary of the main points in Monsieur Rougier's book "Les Accords Pétain-Churchill", which concern His Majesty's Government. I also have the honour to transmit a copy of an article in the Paris paper "Libération" on the 24th June, which gives Monsieur Rougier's version of the discussions at the end of 1940 and which is evidently based on this book.

2. This article contains no criticism of the part ascribed to His Majesty's Government in these discussions nor, indeed, has any such criticism yet appeared in the Paris press. At the same time, as stated in my Saving telegram under reference, I am strongly of the opinion that a full statement should be published without delay giving the true facts in sufficient detail to refute Monsieur Rougier's allegations. I hope that it will be possible for me to give the French Provisional Government advance notice of the contents of this statement and in particular to make it clear to them that the essential part of the document falsely represented by Monsieur Rougier as a record of his conversations with the Prime Minister, is a forgery.

3. I am sending copies of this despatch to the Minister of Information and to His Majesty's Ambassador at Washington.

I have the honour to be, with great truth and respect,

Sir,

Your most obedient, humble Servant,

Duff Cooper

The Right Honourable
Anthony Eden, M.C., M.P.,
etc., etc., etc.

SUMMARY OF "LES ACCORDS PETAIN-CHURCHILL" BY MONSIEUR ROUGIER.

I have run through Rougier's book "Les Accords Pétain-Churchill". Mr. Speaight, who dealt with the whole business in the French Department at the time in 1940, tells me that he hopes to produce very shortly a memorandum about the book. We need not therefore attempt any full analysis here.

I do not think that there is anything particularly new in his account of the alleged agreement. It is important that the "text of the Protocole" printed on pages 131 to 135 is genuine down to the end of Section D at the top of page 133 and from there on is a forgery. It is the remaining part of the text as printed in the book which supports the Pétain-Flandin case. It is highly relevant that the reproduction of the photostat of the original of this document printed on pages 416 and 417 shows only the first page which ends precisely after the heading to Section E, i.e. he produces no photostat of the forged part. Further, in the photostat the name in the heading "Entretien avec ....." is scored out. Rougier says that the name was Churchill and that he scored it out in order that the photographer should not see it. In fact the name was Weygand. The whole document of course reads quite differently if it is known to be "notes for a conversation with Weygand" and not "record of a conversation with Churchill". Another point is that the photostat shows quite clearly that the corrections are in the hand of Sir W. Strang and not in that of the Prime Minister.

Another point of interest is that the book shows that Rougier had no confirmation that Vichy had ratified the alleged agreement other than the telegram of the 21st November to Geneva. It is obviously exceedingly odd that he should not have been told by Vichy itself that they had accepted the alleged agreement. Pertinax, doubtless prompted by the Embassy at Washington, in his telegram printed in Paris Mondiale of the 21st June, takes the point that Rougier's story that Vichy ratified the agreement on the 11th November is exploded by the fact that on that very day Sir Samuel Hoare received an extremely unsatisfactory note from the French Government (see page 257 of the documents printed in "Anglo-French Relations, August - December 1940").

The only part of the book which seems to me really troublesome from our point of view is chapter 8 "La consigne du Silence" and also the earlier statement that when in London he was forbidden by the Foreign Office to contact de Gaulle (see pages 117 and 138). There were doubtless good reasons at the time for trying to suppress his story in America, but they are not now apparent and it would be useful if we could have an answer about them.

The second half of the book from page 176 is mainly a slashing attack on Gaullisme past and present, with which the French can be left to deal. There is of course much anti-British material in the book as a whole, which may provide ammunition to those who now care to use it, but it is not in itself new. See for example the attack on British policy before the war and up to the Armistice on pages 83-90. It is only on reaching its end that the reader is told that this is language ascribed to Déat, Doriot and Co. The author takes up the same theme himself later in the book. The letter of 18th March 1945 to General de Gaulle printed on pages 283-292 contains some viciously anti-British stuff on the lines that the General

/in

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in 1940 was simply an unconscious British tool this is incidentally entirely inconsistent with the accounts of events in June and July 1940 given at the beginning of the book where His Majesty's Government are represented as completely misled by de Gaulle!

In the book Rougier makes a to do about the fact that his applications to give evidence on a "Commission Rogatoire" in the Pétain trial had not been accepted. Today's press states that his evidence has now in fact been taken and received here. The evidence included a reference to the story told in the letter from Chautemps printed on pages 309-314, that at the meeting of the Council of Ministers on the afternoon of 16th June Reynaud only read the first half of Mr. Churchill's message about a separate peace and deliberately suppressed the second half in which Mr. Churchill said that His Majesty's Government would agree, if the French fleet were entrusted to Britain, so that the Council was left under the impression that His Majesty's Government had definitely refused to agree to a separate armistice. I do not think there is any reason for us to worry about this story, but if it is true, it may have considerable importance from the point of view of French internal politics and would, I imagine, completely finish Reynaud. There must be other witnesses besides Chautemps of what took place who could confirm or deny the story.

I think that it is worth reporting the fact that Rougier's evidence has now been received here. I submit a draft Saving telegram.

D.P. Reilly.
22nd June 1945.

Paris.

'Libération' 24 June 1945 207

UN DOCUMENT SUR LES NÉGOCIA

CHURCHILL-PÉTAIN EN AUTOMNE 1940

Churchill garantissait l'intégrité de notre Empire contre la promesse de Vichy de ne fournir aucune aide à l'Axe

NOUS avons publié jeudi un document sensationnel prouvant la volonté de collaboration de Pétain avec les Allemands : le télégramme adressé à Hitler en août 1942, après le débarquement allié à Dieppe, et offrant au « Fuehrer » la participation des forces françaises à la « défense de l'Europe ».

Ce télégramme constituera un des arguments massues du procureur général Mornet.

Comment la défense pourra-t-elle riposter ? Elle semble compter sur cet étrange personnage qui joua au cours de l'automne 1940 un rôle diplomatique dont le mystère commence à se dissiper : le professeur Rougier.

Le professeur Rougier, qui se trouve actuellement à New-York a été entendu, nous l'avons dit, sur commission rogatoire du Parquet de la Haute Cour de Justice, par le consul de France à New-York. Il prétend avoir négocié, mandaté par Pétain, un accord, ou plutôt un « gentlemen's agreement » avec Winston Churchill. Ce « gentlemen's agreement » prévoyait que, si la France n'apportait aucune aide militaire aux Etats totalitaires, le gouvernement de Sa Majesté s'engageait à la restaurer dans sa grandeur après la victoire et à lui faciliter en attendant sa vie économique.

D'après le professeur Rougier, et vraisemblablement les défenseurs de Pétain, ces négociations prouveraient le « double-jeu » du Maréchal.

Nous sommes en mesure de publier aujourd'hui, d'après les déclarations du professeur Rougier lui-même, l'historique des négociations, ainsi que le texte de deux documents du plus haut intérêt : un aide-mémoire annoté par Winston Churchill, et le « Gentlemens' agreement » faisant suite aux pourparlers de Londres.

Les Négociations

30 juillet 1940 — Churchill déclare le blocus intégral de la France. Rougier propose à Baudouin, ministre des Affaires étrangères de Vichy, d'entrer en pourparlers avec son ami Lionel Robbins, membre du ministère britannique du blocus.

13 août — Du consulat britannique à Genève, Rougier télégraphie à Robbins à Londres.

27 août — La réponse arrive. Rougier est invité à Londres.

10 septembre — Il va voir Baudouin et Weygand et leur déclare : « Il est nécessaire de dissiper le malentendu qui a provoqué Mers-el-Kébir et qui découle des conceptions opposées de Londres et de Vichy au sujet des clauses de l'armistice.

20 septembre — Entrevue Rougier-Pétain. Ce dernier lui déclare : « Laval est l'homme que je méprise le plus au monde, mais j'en ai encore besoin. » Pour l'accréditer, Pétain et les Affaires étrangères remettent à Rougier des recommandations auprès de nos agents diplomatiques et consulaires.

8 octobre — Il prend à Lisbonne l'hydravion pour l'Angleterre.

Arrivé à Londres, il est reçu par sir Alexander Cadogan qui lui demande l'engagement de ne voir aucun gaulliste et de tenir la négociation secrète.

23 octobre — Lord Halifax reçoit Rougier.

24 octobre — Premier entretien de deux heures avec Churchill.

25 octobre — MONTOIRE.

26 octobre — Deuxième entretien Rougier - Churchill.

28 octobre — M. Strang, du Foreign Office, demande à Rougier, de la part de Winston Churchill, d'établir par écrit un compte rendu des entretiens pour éviter un malentendu et servir de base à un gentlemen's agreement secret Pétain-Churchill. (Ce sont des extraits de ce compte rendu que nous publions ci-dessous — texte n° 1 — avec des additions de la main de Churchill.)

Sir A. Cadogan complimente Rougier du résultat de ses missions et il est entendu que l'aide des négociations sera donnée par un télégramme envoyé au consulat général britannique de Genève.

5 novembre — Sur le chemin du retour, A Alger, Rougier est reçu par Weygand, à qui on vient d'apporter une lettre de Churchill l'informant des négociations engagées.

9 novembre — A Vichy, Rougier est reçu par Pétain qui donne l'ordre de ratifier la négociation.

21 novembre — Le télégramme sanctionnant le gentlemen's agreement arrive au consulat britannique à Genève. (Texte n° 2 ci-dessous.)

29 janvier 1941 — Arrivé aux U. S. A., le professeur Rougier voit lord Halifax à Washington.

11 décembre 1941 — Rougier écrit à Halifax pour lui demander l'autorisation à la suite du débarquement en Afrique du Nord de publier les accords. Le Foreign Office s'y oppose.

① LES DOCUMENTS DE ROUGIER

Résumé des entretiens Rougier-Churchill annoté par Churchill :

1° POINT DE VUE DE L'ANGLETERRE :

a) Le peuple et le gouvernement britanniques sont décidés à mener [illegible] jusqu'à l'effondrement de l'hitlérisme.

b) Le gouvernement britannique est en état de poursuivre la guerre avec l'appui financier total des U. S. A. (Annotation de la main de Churchill : plus de 15.000 nouveaux avions dans les prochains 9 mois.)

2° DURÉE PROBABLE DE LA GUERRE SUIVANT L'ATTITUDE DE L'EMPIRE FRANÇAIS :

a) L'Afrique du Nord se révolte et des bases sont données aux alliés en Tunisie : durée 1 an.

LIRE LA SUITE PAGE 2

ROUGIER RÉVÈLE...

Suite de la 1re page

b) Pas de bases aux Alliés, mais possibilité pour eux d'arrêter les Allemands en Egypte : durée 2 ou 3 ans.

c) Perte de l'Egypte, de Suez et du contrôle de la Méditerranée par les Alliés : durée 10 ans.

3° DECISIONS DE LA GRANDE-BRETAGNE A L'EGARD DE LA FRANCE :

a) La rétablir dans son étendue et sa souveraineté si elle ne fait rien pour aider la victoire des totalitaires et a fortiori si elle aide à la victoire britannique.

b) Si des bases aériennes ou navales sont accordées aux totalitaires, la Grande-Bretagne ne répond plus du sort futur de la France et de son Empire.

(Annotation de la main de Churchill : dans ce cas, la Grande-Bretagne ferait tout ce qui serait en son pouvoir pour briser le gouvernement qui aurait été coupable d'une si basse trahison.)

4° CONVENTIONS ECONOMIQUES :

Atténuation du blocus dans le cas où la France, soit passivement, soit activement, aiderait la victoire britannique.

Ce document, dactylographié en français, porte encore l'annotation suivante de Churchill : Si le général Weygand veut lever l'étendard de la rébellion en Afrique du Nord, il peut compter sur la collaboration totale et effective du gouvernement et des peuples de l'Empire britannique et sur l'assistance des Etats-Unis.

② TEXTE DU TÉLÉGRAMME

adressé au Consulat britannique à Genève le 21 novembre 1940

A) Le gouvernement de Vichy nous a assuré qu'il ne ferait pas d'attaque injustifiée contre nous et a déclaré sa détermination de conserver le contrôle de son empire colonial et de sa flotte.

Nous avons demandé que pour le temps convenu il n'y ait pas d'opérations actives contre les colonies gaullistes, qu'on résiste à toute attaque ou pénétration allemande ou italienne dans les territoires qui sont restés loyaux à Vichy, et qu'on empêche effectivement leurs ports et leurs bases de servir aux sous-marins ou aux avions pour des attaques contre nous.

Pour notre part, nous ne chercherons pas à acquérir de territoires français et nous préparerons à les aider.

B) Si cependant une part de l'Empire français se déclarait spontanément pour le général De Gaulle, nous reconnaîtrions son adhésion à sa cause et le défendrions par mer en accord avec les assurances que nous avons déjà données au général De Gaulle. Nous avons déjà déclaré notre intention, après notre victoire de restaurer la France dans sa grandeur et ceci concerne les parties de l'Empire qui pourraient se déclarer pour le général De Gaulle.

C) Les conditions ci-dessus constitueraient un arrangement provisoire. Dans le cas où la situation changerait, nous rechercherions un modus vivendi.

Sous ces conditions, nous sommes prêts à entamer des discussions économiques à Madrid avec le gouvernement de Vichy.

INFLUENCE SUR LE CAS PETAIN

Ces documents, aussi sensationnels qu'ils soient, et bien que Pétain en attende sans doute le plus grand effet ne semblent pas de nature à modifier l'opinion de l'accusation et de la Haute Cour.

Même s'il était prouvé que pendant une partie de son séjour de 4 ans à Vichy le Maréchal a tenté de jouer double-jeu (quand il s'aperçut que le sort de la guerre était incertain), cela ne change rien aux faits dont il a à répondre et qui sont : complot contre la République, signature de l'armistice, collaboration avec les Allemands.

Ce dont il est accusé, ce n'est pas d'avoir trahi l'Angleterre, mais d'avoir trahi la France.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z7691/255/17

A.R.

Draft.

Sir Alan Lascelles
Buckingham Palace.

(from Mr. Dixon)

JNH 9 XII

AR
8/7

endorses
attached

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9th July, 1945.

The Foreign Office are considering what action they ought to take to correct certain mis-statements about the relations between H.M.G. and the Vichy Government during the first months of the Vichy regime which are contained in a recently published book by a M. Louis Rougier entitled "Les Accords Pétain-Churchill". We have ~~had~~ if in mind not only to publish a full account of what actually happened ~~together~~ with a refutation of M. Rougier's mis-statements, but also to communicate to the French and U.S. Governments a complete dossier of the relevant documents in support of ~~our statement~~ this account, and, ~~when~~ after this has been done, to publish these documents in a White Paper to be laid before Parliament. Among the documents in question is a message from H.M. The King to Pétain whidh our Ambassador in Madrid was asked on October 25th 1940 to communicate to the French Embassy for transmission to the Marshal. Another document is Pétain's reply to this message delivered to our Ambassador at Madrid by the French Ambassador on November 2nd 1940. I enclose the texts of these two messages. We would ~~very~~ much appreciate it if you would let us know whether there would be any objection to the texts of the two messages being communicated to the ~~present~~ French Government and to the U.S. Government, and later being published.

Z 7691/255/17

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FOREIGN OFFICE, S.W.1.

9th July, 1945.

The Foreign Office are considering what action they ought to take to correct certain mis-statements about the relations between H.M.G. and the Vichy Government during the first months of the Vichy regime which are contained in a recently published book by a M. Louis Rougier entitled "Les Accords Pétain-Churchill". We have it in mind not only to publish a full account of what actually happened with a refutation of M. Rougier's mis-statements, but also to communicate to the French and United States Governments a complete dossier of the relevant documents in support of this account, and, after this has been done, to publish these documents in a White Paper to be laid before Parliament. Among the documents in question is a message from His Majesty The King to Pétain which our Ambassador in Madrid was asked on October 25th 1940 to communicate to the French Embassy for transmission to the Marshal. Another document is Pétain's reply to this message delivered to our Ambassador at Madrid by the French Ambassador on November 2nd, 1940. I enclose the texts of these two messages. We would much appreciate it if you would let us know whether there would be any objection to the texts of the two messages being communicated to the present French Government and to the U.S. Government, and later being published.

(Sd.) V. G. LAWFORD

The Right Honourable Sir Alan Lascelles, K.C.B., K.C.V.O.

Western dept x 210
Y/E 10 July

BUCKINGHAM PALACE.

10th July 1945.

INDEXED

My dear Lawford,

The King has no objection to the messages exchanged between him and Marshal Pétain in 1940, to which your letter of July 9th refers, being published, as proposed. His Majesty assumes that Pétain's reply will be published in the original French.

Yours ever,

A Lascelles

7691 255 (7)

V. G. Lawford Esq.,
Foreign Office.

COPY

"M. le Maréchal,

At this serious juncture in the life of the British and French peoples, I send you a message of goodwill. The armistice which you were forced to make with the common enemy and his occupation of so many French ports and aerodromes for the attack on my country have been a very grievous addition to the burdens which my people have to bear. Nevertheless, these tragic events have not weakened in British hearts the sympathy and sense of comradeship which have grown up over many years of peace and war between the British and French nations. We are resolved to fight on to the end, and we are sure that the end will be a complete British victory over Hitler and his régime. We have solemnly declared that our victory will carry with it the restoration of the freedom and greatness of France.

Reports are reaching me of an attempt by the German Government to secure from you undertakings that would go far beyond the terms accepted by you at the time of the armistice. I recall that then you expressed your determination to accept no terms dishonouring to the name of France. I am confident that now also you will reject proposals that would bring dishonour to France and grave damage to a late Ally. The disaster that overwhelmed France deprived us of her assistance, but it would indeed be a sombre event in history if France were to range herself against us and afford direct assistance to our enemy. I do not doubt that, in refusing any such proposals that may have been made, you will carry with you the overwhelming assent of all those among both our peoples, and in other countries, who have put their faith in your honour as a soldier and who see in a British victory their hope of salvation.

COPY

"Sire,

Le message de votre Majesté a retenu toute mon attention.

Le peuple français, après avoir lutté aux côtés du peuple britannique a ressenti profondément les agressions dont notre pays a été l'objet à plusieurs reprises de la part de la flotte britannique ainsi que le concours que le Gouvernement de Sa Majesté apporte à des Français rebelles à leur patrie. Sans se départir de son calme, le Gouvernement français a cherché à éviter tout ce qui aurait pu aggraver la situation. Il ne se livrera, pour sa part, à aucune attaque injustifiée; mais, conscient de ses devoirs, il saura faire respecter dans l'honneur les intérêts essentiels de la nation française.

En raison des liens qui unissaient nos deux pays, c'est avec une grande douleur que je me vois obligé de parler a votre Majesté avec cette franchise; c'est en tout cas, a mon sens, le moyen le plus sûr d'appeler toute Sa haute attention sur un état de choses dont le Gouvernement français ne porte aucune responsabilité.

Pètain.

97

1945

Z

Z 7758

29 JUN 1945

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FRANCE

Registry Number: Z 7758/255/17

FROM Chancery, Rome to Western Department

No. 445/2/45

Dated 19th June

Received in Registry 29th June 1945

Z: France

Report on Olier Mordrel.

Encloses copy of a Psychological Warfare Branch Report on Monsieur Olier Mordrel, the Breton Home Rule Movement Leader, who was caught in North Italy and sentenced to death by the French Government for activities against the State.

Last Paper.

27691

References.

(Print.)

(How disposed of.)

Dft) Chancery Paris
from Western Dept
5 July

(Minutes.)

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F.O. R. 3 Aug 31/VII/45

31/7

(Action completed.)

20/7

(Index.)

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BRITISH EMBASSY,
ROME.

445/2/45 19th June, 1945.

Dear Department,

---- We enclose herewith a Psychological Warfare Branch report on Mr. Olier Mordrel, the Breton Home Rule Movement leader, who was caught in North Italy.

Yours ever,

CHANCERY.

Western Department,
Foreign Office, S.W.1.

Z 7758
... JUN 1945

REPORT ON MR. OLIER MORDREL LEADER OF THE HOME RULE MOVEMENT IN BRITTANY.

Introduction.

One of the numerous personalities to be caught during cleaning up operations in Northern Italy has been Mr. Olier Mordrel, leader of the Home Rule Movement in Brittany, who was condemned to death by the French Government for his activities against the French state and who escaped to Italy from Germany just before the final collapse. A report written by him in Milan has been shown to me by the Chief of the French Mission at HQ 15th Army Group who thought that some of the information which it contains would be of value and interest to the British Government.

This report is interesting, not only as giving some precise information on the history of the Breton Nationalists and on Mr. Mordrel's activities during the war, but it clearly shows that althoughthe Germans first hesitated to support this movement, they supported it fully from 1942 onwards and abandoned it towards the end of 1944. Above all, it was clearly their intention to use it as a potential political time bomb for the post war period aimed at bringing dissentions between the Western Allies - including France. It is significant that Mordrel's first thought in reaching Italy was to contact American officers and attempt to appeal to their country for support under the pretext that if America wishes to rule the Atlantic it must be of interest to them to have a friendly Brittainy on the other side. Mordrel attempts to prove that Celticism is not merely a local feeling with a genuine grudge, that is found in Brittany, Wales and Scotland, but a world force. New Zealand includes a large Celtic population which may, in his view, awaken itself during the post war years and drift away from the British Empire; he mentions the I.R.A. as a true expression of Celticism which represents a potential danger for England. Finally, during the last days that preceeded the collapse of Germany, Mordrel was asked by prominent Nazis to join them in a secret conference at which a kind of Nazi commintern was founded, designed at pursuing Nazi activities under Allied Occupation. "Nazism" he says "already thinks of the hour of its revenge". A summary of Mordrel's statement written in French is given below together with translated extracts of his statements.

1. What is Brittainy?

Mordrel starts his report by giving geographical and historical information on Brittany. "For some time", he says, "I have wanted to enter in relationship with the USA because I feel that the destiny of a country which includes such bastions as Brest, Lorient and St. Nazaire cannot leave those who are responsible for the naval and aerial security of the USA completely indifferent". The French press, before the war always kept the Breton issue under silence. It is now his duty to reveal that until the 16th century, Brittany had been free and that its links with either France or England had always been but nominal. It was only the centralisation of French power in Paris that compelled the proud Breton people to accept union with France although conserving its internal autonomy until 1879. Since that Union, the Breton people, attempting to surge against the absolutism of Paris found help in foreign powers: (Spain in the

17th century, England during the Revolution, Germany in 1940).

The Home Rule Movement grew, especially during the last 30 years. Its strength mainly comes from the fact that France did nothing for the economic development of Brittany. "We are an unknown people, our language is forbidden in our schools and although Brittany gives to France 60% of her naval crews, the customs policy of France has strangled the greatest part of our maritime activities". "France" he says "has prevented us during the last 20 years to develop our trade with Great Britain, in offering us agricultural products at prices which were too low and manufactures which were too dear."

Describing Brittany as it is today, Mordrel compares it to primitive some Balkan countries with no industries, dirty, backward towns and miserable schools. This wail ends by a list of those agricultural items which Brittany can export and of these manufactures and products which it wishes to import from America.

2. The Breton National Movement.

Mordrel states clearly that this movement but effects a minority that has developed itself clandestinely and which automatically took up a hostile attitude to the French State looking to its adversaries for help. The French Government started its suppression in 1938. "A 'decret-loi' was specially directed against us. As a result, a secret extremist organisation called 'Gwen ha du' (black and white) replied by a number of acts of hostility. Then came the war. The German policy was to turn France against England. From 1939 onwards, the Abwehrdienst attempted to use Breton extremists. The two men whose services were enlisted for this purpose, Debauvais and Laine are dead." Here Mordrel recognises Germany's bad faith, as since the early days, the Reich demanded from Brittany, activities of espionage and sabotage in return for their protection of Brittany's aspirations.

3. Mordrel's Personal Activities during the War.

He claims to have remained aloof from these dealings between Debauvais and Laine on the one hand and Germany on the other. He publically declared in 1939 that he would not fight for France as long as she did not recognise Brittany's aspirations. He escaped to Belgium and thence to Italy through Germany. From Italy he clandestinely continued a Breton propaganda which caused him to be condemned to death by the French Government on May 7th 1940. He then went to Hungary and returned to Brittany through Germany on the 1st July. There he found that while the German administration paid some sympathy towards Brittany's aspirations, it however prevented its leaders from taking an active part in politics. He, however, founded the Breton Nationalist Party (PNB) and the Newspaper "L'heure Bretonne" which he started in October 1940. He refused to recognise the Vichy Government and on the 11th November he was called to Paris by the Germans and interned in the Hotel du Louvre for four weeks. Before being allowed to return to Brittany, Mordrel was compelled to resign from his party. In Rennes he found that some of his political followers were trying to prevent the Berlin Vichy manoeuvre. He tried to convince the Breton leaders to break with Germany, but failing, he decided to escape to England. At that moment the AST was sent to his pursuit. He was arrested and sent to Germany where he was interned in Stuttgart. He started a hunger strike, and the

Germans, fearing that this might be known in Brittany, changed their attitude and made him promises. He was sent to Berlin where he remained under severe restrictions, not being able to correspond with France. On the 1st May 1941, after signing a declaration by which he undertook to give up all political activities and not to return to Brittany, he was allowed by the SD to return to France. After 5 months in Paris, still under SD restrictions, he was finally allowed to go back to his family at Rennes. At the beginning of 1942 he obtained the authorisation to publish a cultural review called 'Stur'. In this review he constantly exalted the value of human personality and constantly refused to obey the instructions of German propaganda. Towards the end of 1943, when German censorship tried to compel him to start launching a campaign against Russia and America, he ceased to publish his review and retired to business. During 1943 and 1944, under strict control of the SD, he claims to have entertained good relations with agents of the Intelligence Service. He claims to have persuaded his friend Hans van Etten, chief editor of "Storm" of Amsterdam to get in touch with the I.S. Van Etten was found out and hung by the Germans. He then tried to resume normal relations with French Authorities but being condemned and suspect, his advances were not listened to. Hence he became a two-fold prisoner of the Germans. During the evacuation from Paris, the Nazis compelled him to leave with them, taking also his wife and children. Later, an officer of the SD said in Berlin "We have your wife and children, we now have Mordrel where we want him". Until October 1944, Mordrel succeeded in avoiding the control of the German Police. At Freiburg he intended to escape into Switzerland with the help of a German Agent of the Intelligence Service, but suspected again, he was sent to Berlin where he remained until February 1945. The SD continuously attempted to use him but without success. On the 6th February, he was arrested under the accusation of sabotage activities and the attempt to desert into Switzerland. He was sent to a concentration camp. At that moment a letter from Doriot, chief of the PPF saved him in this respect. Doriot told him that he had founded a French Committee of Liberation in which he wanted him to represent Brittany. The SD accepted Doriot's request and gave him back his liberty. Mordrel states at this point that he knew well since El Alamein and Stalingrad that Germany was beaten but joining Doriot's committee was an escape from a concentration camp and further he associated himself to a programme of French renaissance. In the early days of April he asked the SD for permission to go to Bolzano in order to group there all the Bretons he could find. Although the SD did not give him permission to go there, he succeeded in sending his wife and children to Bolzano on the 26th April and on the 2nd May, he himself was able to join them, taking advantage of the complete confusion reigning in Germany. There he wanted to meet the Americans.

Mordrel then states, "during my last days in Germany I must relate an event which is a symptom of German mentality which we, other Europeans, cannot understand. I went to Munich on the 18th April to ask the SD for the authorisation to go to Italy. I was sent to Deisenhofen where in an estate, I met 50 men from the SD in Berlin, including the officer who two months earlier wanted to send me to a concentration camp. As a Frenchman, and in my capacity of Breton nationalist, he asked me to participate in the creation of a

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secret Nazi Communtern which agreement would be to"win thepeace". I rather liked the idea, found it interesting and accepted. For two days I took part in the work of this secret committee which held meetings in very closely guarded room. I received precise instructions to go to Madrid.After my departure the conference went on." "This",says Mordrel",proves in any case that Nazism is already thinking of its revenge.".

4. Mordrel's Proposals.

After explaining out the Germans in 1944 finished to finance the PNB, after a brief period of collaboration with the Germans, Mordrel says "we are automatically with those who stretch out their hands to us and against those who wish to stamp us down". "I didn't agree with Montoire but as such wasn't an English agent, but in 1939 when I toured Germany, I was no more a Nazi agent."

"The British are impartial", he says; "the Americans who are aloof from European quarrels can understand why I am addressing myself to them. As far as Brittany is concerned I cannot expect either clear thinking or justice from the French. They pretent that the Breton Movement is a creation of Germany, but it existed 47 years ago. In 1938, leaders of the Breton National Movement who were tried by the French had received no help from abroad. We hate the Germans, but during the years from 1940 - 1944 the Germans favoured in Brittany the development of a magnificient Celtic Culture Movement. Since the liberation of France, the French have destroyed everything the Germans have done and have forbidden everything".

Mordrel starts in stating that he does not ask the USA to support the Breton National Movement. He knows that good relations among the Allies are essential but what he does ask is to be able to leave a case for the future. "What role is Russia going to play? No nation which intends ruling the Atlantic can be disinterested from the possibilities which Brittany presents. The Germans understood that and used Brittany for her great submarine bases. Brittany is as important to America as Sicily or Malta is for Great Britain. Disappointed in France and in Germany the Bretons now look to America. They need the support of a great state. They are lured by the formidable young strength of the USA and of what she could make of Brittany with Brest as a great world port as centre of a land which could be developed to the utmost limit."

Purely from the moral point of view, America must look upon the Brittany's revendications with sympathy, which are those of freedom against the Fascist way of centralisation. He offers to furnish the American High Command with all the information it requires on Germany, where he has lived so long, to do everything in his power to destroy the last vestages of nazism in Brittany, to furnish them with fuller information on the aspirations of Brittany. He claims to be in a position to enter into contact, if required, with the secret Nazi Organisation of which he is a member. He claims to be in a position to reveal its plans and activities. In Germany, he claims to have controlled some 700 Bretons who were both fanatic enemies of Nazism and of Communism. These men are about to return to France. He proposes therefore,

5.....

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to start again his organisation, on the clandestine plan. Lastly he makes the following requests:- that he be able to remain in Italy some time, in order to make his point clearer, that he may then be able to go to Barcelona where, under false identity, he could establish his relations with his men in Brittany. Lastly he asks for permission to visit America in order to get to know the Americans and make his point to them.

Attached is a copy of Mordrel's "Mein Kampf", THE CELTIC WORLD.

D.F.P. Alexander

Captain,
P.W.B.,
HQ 15th Army Group.

DISTRIBUTION.

PWO, PWB 15th Army Group.
Mr. Radford, PWB, AFHQ.
British Embassy, Rome.
[redacted]
US Embassy Rome.

BRETAGNE

F. DEBAUVAIS et O. MORDREL sont condamnes a mort.

Le 7 Mai, le Tribunal militaire de RENNES a juge par contumace et a huis-clos, F. DEBAUVAIS et O. MORDREL, poursuivis pour reconstitution de societes dissoutes, provocation de militaires a la desertion, atteinte a la surete esterieure de l'etat et trahison.
Tous deux ont ete condamnes a la peine de mort. (1)
Cette condamnation a provoque en Bretagne une tres grande sensation. Les condamnes, qui depuis 1919 sont a la tete du mouvement nationaliste breton jouissent d'un incontestable prestige aupre de leur compatriotes. Leurs noms sont intimement lies a celui du Journal Breiz Atao, qui fut une de leurs meilleures armes de combat et dont le titre sonne aux oreilles du peuple breton comme un slogan liberateur. Le 29 Juin 1938, F. DEBAUVAIS avait ete une premiere fois condamne a 6 mois de prison pour propaganda par inscriptions sur monuments publics. Le 14 Dec. de la meme annee. O. MORDREL et lui etaient a nouveau conjointement pour-suivis pour la campagne qu'ils avaient faite en Septembre contre "la guerre pour le Tcheque contre la volonte du peuple breton "Ils furent condamnes chacun a un an de prison eta de lourdes amendes. Mordrel beneficia de la loi de sursis. DEBAUVAIS ayant ete mis en prison au regime des malfaiteurs n'obtint le regime des condamnes politiques qu'en commencant la greve de la faim.
Au cours de la periode de tension qui precede la guerre, le gouvernement francais prit contre le mouvement breton des mesures de "surete". Les arrestations commencerent des le 15 Aout. DEBAUVAIS et MORDREL particulierement vises par le police durent se rendre a l'etranger pour eviter de passer la duree de la guerre en prison sinon un sort plus radical. Le secretaire general du parti, C. Laine, qui etait reste en Bretagne et avait ete mobilise a ete en effet condamne dernierement a 4 ans de prison, sans le moindre motif, simplement pour etre neutralise pendant la duree des hostilites. Mais DEBAUVAIS et MORDREL ne l'etaient pas rendus en pay neutres pour attendre passivement la fin du drame europeen. Ils organiserent dans plusieurs etats voisins de la France des centre d'action, qui diffuserent abondamment une "Declaration" signee de leurs deux noms, en date du 25 Oct. 1939, ou on pouvait lire entr'autre:

> "Le chef du Gouvernement Francais a dit dans son discours du 21 Sept. que "l'Allemagne avait trouve quelques traitres en Bretagne" Il a menti. Les hommes qui depuis plus d'un siecle consacrent leur vie au relevement de la langue et de la conscience nationale de la Bretagne, ne sont au service d'aucun interet etranger. Et nous, enberitiers des Bretons qui combattent la France depuis quinze siecles, lui repondons que la trahison aux yeux des vrais Bretons serait de servir la France qui veut reduire a neant notre pays."

En outre, ils editerent un bulletin de presse mensuel "Ouest-Informations" qui porta dans toutes les pays et jusqu'en Amerique, des nouvelles des nationalities opprimees de l'Ouest, en particulier la Bretagne, L'Alsace Lorraine et l'Irlande.
La police francaise ne devait pas tarder a s'inquieter de cette action energique et continue. Elle dirigea des enquetes a peine discretes en Belgique Hollande et Italie, cherchant a decouvrir le refuge des chefs bretons et surtout a etablir de soi - disant preuves de leur collusion avec des agents allemands. Le jugement de Rennes, qui s'est abstenu d'inculper DEBAUVAIS et MORDREL d'intelligences avec l'ennemi, nous montre qu'au moins sur ce point la l'enquete de la police francaise a echoue. Ce jugement confirme que les organisations bretonnes, malgre qu'elles aient ete dissoutes, se sont reformees sur des bases illegales et qu'elles

faits de leur eloquence signification

(I) MONDHEL a ete encoutre condamne pour la forme a 6 mois de prison e a la confiscation de ses biens pour desertion en temps de guerre.

Au nord-Ouest de l'Europe,une suite de promontoires et d'iles rocheuses herisse le versant occidental de la France et de l'Angleterre. Ce sont le pays celtiques:BREIZ(Bretagne), CYMRU(Galles),EIRE (Irlande.Alba (Ecosse), sans oublier KERNOW(Vornwall) et la petite ile de MAN.
L'Histoire contemporaine,dominee par l'ecrasant developpement des etats anglais et Francais, a reserve peu de ses pages aux peuples celtiques subjugues par leur puissants voisins.Elle a volontiers oublie leurs ardentes et malheureuses luttes contre l'oppresseur. Elle a jete un voile sur leurs derniers soubresauts.
Au cours de la premiere phase de la revolution europeenne qui a commence en 1914, et qui a pris fin en 1939,les peuples celtiques,exception faite de l'Irlande, n'ont joue aucun role.Encore est-ce avec un certain malaise que l'opinion publique a du s'habituer au fait du retour de l'Irlande parmi les nations libres.Ilafallu que cette guerre qui la classe parmi les etats neutres,fasse l'eclatante demonstration de son independance,pour que les fabriquants de cartes se decident a la teindre d'une autre couleur que l'ile voisine.
Cependant, de meme que les triomphe des systemes politiques contres a Paris et a Londres, avait pour corrolaire oblige l'eclipse des etats celtiques, le declin de la force d'expansion Francaise et anglaise est susceptible d'ouvrir pour eux un nouvel avenir.
Ce declin ne fait aucun doute pour les celtes, quel que soit le poste d'ou ils observent les avenements depuis quelques annees.
Les Bretons,par exemple,au cours des XVIIIe et XIXe siecles avaient desespere d'echapper a l'assimilation francaise, aprce que l'independance de la Bretagne etait incompatible avec l'existence d'un etat francais fort et qu'il n'etait au pouvoir de personne de faire de la France un etat faible.Aujourd'hui que,meles intimement a la vie francaise, ils experimentent la deconfiture interne et externe d'un etat qui n'est plus lue l'ombre de ce qu'il fut autrefois,ils ont repris confiance en leur destin.L'espoir de l'independance bretonne qui semblait utopique en Bretagne il y a cinquante ans, est devenu un sentiment repandu, solide raisonne.Il a pour assiette la certitude que la France depeuplee,sans vitalite et desormais sans mission,sera vaincue tot ou tard et elimines comme puissance de premier plan.
En Irlande,et a un certain degre en Gallee et en Ecosse,la croyance en la decrepitude britannique est un article de foi. Les combattants de l'I.R.A. tablent sur un succes definitif qui retablira une Irlande unifiee,enfin totalement independante de l'Angleterre,economiquement, financierement et militairement.
Il est evident que pas plus qu'une Bretagne libre,une Irlande libre (en realite et non pas en titre) n'est tolerable pour un etat anglais soucieux de sa securite.On voit donc lesuens et la portee incalculable que representerait pour tout l'equilibre europeen le retour des peuples celtiques a l'independance perdue.
Ce serait une erreur de croire que les Galles et l'Ecosse ont cesse de compter parmi les peuples celtiques capables de renaitre.C'est en Galles que la langue celtique est restee la plus cultivee et la plus utilisee. Elle y joue le role de langue de culture en concurrence avec l'anglais.
En Ecosse,L'opposition contre l'Aggleterre,pour avoir un caractere avanti tout social et economique, n'en est pas moins susceptible de developpements rapides, car le sentiment ecossais est tres vif.
Tous ces peuples celtes renoueront automatiquement le fil de leur tradition nationale brisee,des l'instant ou la France et l'Angleterre frappees par une severe defaite,s'ecrouleront:Ce sera leur occasion et il est certains qu'au moins une importante partie de leurs elites et de leurs masses populaires serait prete a constituer et a soutenir des etats nationaux,le jour ou la glaive aura brise les systemes dont ils sont les victimes historiques.
La "frange celtique" comme disent les Anglais, possede des centres d'activite notables et des richesses naturelles etendues, Il suffit de citer

Glasgow (la Clyde), Belfast, Saint-Nazaire et Brest, centres de constructions navales reputes dans le monde.Le "Normandie" a ete construit par des Bretons e le "Queen Elizabeth" par des Ecossais. Le charbon abonde en Galles (anthracite de Llanelly) et en Ecosse.La Bretagne a une reserve de minerai de fer de 5 milliards de tonnes,d'une teneur de 60%. L'Irlande et la Bretagne sont exportatrices des produits de leur agriculture et de leur elevage.Ces differents pays celtiques totalisent une population de 15 millions d'Hommes, d'une sante morale remarquable, doues pour l'activite intellectuelle et connus comme des soldats nes. Le dicton "l'Irlandis va au combat comme la riviere a la mer" peut s' appliquer aux peuples Freres.
Il faut aussi tenir compte du fait que,chasses de chez eux par la misere qu'avait provoquee l'oppression anglaise,des millions d'Irlandais et d'Ecossais principalement ont emigre dans le monde entier ou ils ont constitue en maints endroits des minorites reconnaissables et vivaces.Les Irlando-Americains sont evalues a 8 ou 10 millions.La moitie de la population de la New-Zealand est irlandaise.Il est a prevoir qu' avec la renaissance des anciennes meres patries,la conscience celtique connaitra aussi un reveil au dela des mers.Le celtisme est un fait mondial en puissance.
Mais tout cela est peu en comparaison de la valeur strategique des pays toutes les mers de l'atlantique - Nord.Scapa-Flow est en ecosse.La Bretagne appuyee sur le Cornwall et l'Irlande du Sud verrouille la Manche. Brest qui possede la plus parfaite rade de l'ancien continent,est un balcon largement ouvert sur toutes les routes maritimes de l'Europe du Nord vers l'Asie,l'Afrique et l'Amerique, qui contournent a portee de canon l'Ile d'ouessant. L'Irlande est la premiere etape des avions trans-oceaniques.
Vis a vis de la France et de l'Angleterre les pays celtiques occupant les positions avec quelque raison etre juge un peu precoce.Mais elles ~~commandements ne~~ apparaissent a l'Oeil comme des evidences geographiques de veritables commandements naturels, qui un jour ou l'autre doivent s'imposer a l'attention et influencer les developpements politiques.
Il est en effet inoui que,par suite de la confiscation qu'en ont faite a leur profit les etats anglais et Francais,des pays ayant des situations maritimes aussi formidables que l'Irlande ou la Bretagne, aient ete retranches de la vie europeene active. C'est un non-sens contre lequel la nature elle meme se revolte.
d'un autre cote,il est permis de penser que les Celtes,-puisque malgre tout ce que l'on a fait pour cela,ils ne sont pas morts,-finiront par ambitionner vivre pour eux memes,comme c'est le voeu de toutes les peuples qui se relevent d'une longue oppression et se sont gueris d'une desesperance seculaire.

Olier MORDREL.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. Z7758/255/17

Draft.
Chancery,

This

from
Western Dept.

DUPLE 5th July 1945

224

Dear Chancery,

We have received from Rome a long T.W.B. report on OLIER MORDREL, the leader of the British Union Movement.

2. As the report is so long and no spare copy was sent us, we do not propose to copy it to you unless you desire us to do so.

Yours ever,

Western Dept.

WD 3/7

OUT FILE

FOREIGN OFFICE,
S.W.1.

225

5th July, 1945.

(Z 7758/255/17)

Dear Chancery,

We have received from Rome a long Psychological Warfare Branch report on Olier Mordrel, the leader of the Breton Home Rule Movement.

2. As the report is so long and no spare copy was sent us, we do not propose to copy it to you unless you desire us to do so.

Yours ever,

Western Department.

The Chancery,
British Embassy,
Paris.

98

1945

Z

FRANCE

Z 7831

1 JUL

226

z Registry Number } Z 7831/255/17.

TELEGRAM FROM Mr. Duff Cooper, Paris.

No. 327 saving.

Dated 30th June,

Received in Registry } 1st July, 1945.

Z: France.

"Gentleman's Agreement" between His Majesty's Government and Vichy Government

Refers to Paris despatch No. 681 (Z 7691/255/17) and reports press statement concerning reference to the "Gentleman's Agreement" made by M. Peyrouton when he appeared before a member of the Examining Commission of the High Court of Justice.

Last Paper.

Z7758(Z7691)

References.

(Print.)

(How disposed of.)

(Action completed.)	(Index.)
18/7	14/12/46

Next Paper.

Z 7854

(Minutes.)

pp in Dept.

M. Chevalier was for a time a member of the Vichy Govt. I believe that he was before the war on terms of personal friendship with Lord Halifax & that he did in fact go in touch with Lord Halifax after the Armistice. But I feel sure that there was never any question of negotiating with him.

R. Speaight 2/7

His statement that the results of the Bonnier negotiations were never brought up at the Council Ministers' [illegible] conversations

7831

Copy of a letter from Mrs Hall
to Mrs Mary Ingram
Letter dated 7th Nov 1776

Extract from Register of Births.

3.7.

N. Chevalier was an
old Norman family
friend of the Webster.
[illegible], Religious
instructor of N. Rougier
in [illegible].

RM
31/VII

228

[EN CLAIR] DEPARTMENTAL NO. 2.

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper. D. 29th June, 1945.
No. 527 SAVING.
29th June, 1945. R. 11.40. a.m. 30th June, 1945.

Repeated to Washington No. 16 Saving.

Z 7831
1 JUL 1945

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eb 9 mid.
My despatch No. 681. Z 7691/255/17

Press of 29th June states that alleged "Gentleman's Agreement" between His Majesty's Government and Vichy was referred to by Peyrouton when he appeared before a member of Examining Commission of High Court of Justice. Peyrouton, who was at the time Minister of the Interior, said that he had been informed of Rougier's unofficial negotiations, but that they were never brought up at the Council of Ministers. After 1940 the discussions became official and were undertaken by the Minister Jacques Chevalier with a "high British personality". No agreement was signed. It was simply a "gentleman's agreement" whose provisions were in fact observed.

JUL 1945
E.O. REGISTRY

G8 A

1945

Z

FRANCE

229

Z 7854

3 NOV 1945

Registry Number. Z 7854/255/17

FROM Mr. Duff Cooper, Paris.

No. 687 774/14/45.

Dated 27th June, 1945.

Received in Registry 2nd July, 1945.

Z : France.

Material for the trial of General Dentz.

Refers to Foreign Office despatch No.1049 of the 18th June (Z 5550/255/17) and transmits copy of Mr. Duff Cooper's note No.485 of the 27th June to Monsieur Bidault, with enclosures regarding the trial of General Dentz.

Last Paper.

Z7831 (Z5550)

References.

(Print.)

(How disposed of.)

(Action completed.)

(Index.)

Next Paper.

28103/G

(Minutes.)

230

687.
774/14/45.

HIS Majesty's Ambassador at Paris presents his compliments to H.M.P.S.of S. for F.A., and has the honour to transmit to him the under-mentioned documents.

British Embassy,
Paris.

27th June, 1945.

Reference to previous correspondence:

F.O. despatch No. 1049 of the 18th June, 1945.

Description of Enclosure.

Name and Date.	Subject.
To: Minister for Foreign Affairs. (with enclosures)	Case of General Dentz.
Dated: 27th June, 1945.	

Z 7854
1111 1945

3479A 28711—1 (8)

BRITISH EMBASSY,

774/14/45.

PARIS.

No. 483.

27th June, 1945.

Monsieur le Ministre,

I have the honour to inform Your Excellency that I was recently approached by Maitre Vessine Larue and Maitre Alcide Delmont, General Dentz's defending counsel, with a request that His Majesty's Government should furnish them with an official interpretation of a Memorandum transmitted to General Dentz by Mr. Engert, the United States Consul-General at Beirut, on the 21st June, 1941 when General Dentz had expressed his wish to conclude an armistice, and of a second note dated the 10th July, 1941. On the instructions of His Majesty's Principal Secretary of State for Foreign Affairs, General Dentz's counsel have now been informed that if the French authorities wish His Majesty's Government to supply any official information about the circumstances in which hostilities in Syria were terminated in 1941, an official approach should be made through Your Excellency, since in the view of His Majesty's Government it would not be proper for them to enter into correspondence on the subject through any other channel.

2. I have the honour to transmit to you herewith copies of the two documents received from Maitre Vessine Larue and Maitre Delmont. The first of these two documents, in English, is certainly authentic and the second, in French, is in the view of His Majesty's Government, probably so.

3. General Dentz, in his capacity as Vichy High Commissioner at Beirut, enquired on his own initiative through the United States Consul-General in Beirut, while fighting was still in progress, for an indication of the terms on which His Majesty's Government would be prepared to cease hostilities. This request was duly transmitted to His Majesty's Government, who asked the State Department to instruct the United States Consul-General to reply in terms similar to those of the first and shorter of the two documents. At the same time the British Commanders-in-Chief had prepared, in agreement with General de Gaulle, an alternative statement of terms. It was suggested to the State Department that they should communicate these terms as well to the United States Consul-General at Beirut for his guidance but not for communication to the Vichy authorities. The second document is an accurate translation of the statement of terms prepared by the Commanders-in-Chief and it seems that the United States Consul-General must have communicated these terms to General Dentz. The second document, although probably authentic, is thus merely an expression of views on the part of the Commanders-in-Chief and General de Gaulle and cannot be regarded as committing His Majesty's Government.

4. In these circumstances it is clear that in authorising the United States Consul-General at Beirut to inform General Dentz that there could be no question of him or his subordinates being condemned to death or to any other penalty, His Majesty's Government were speaking for themselves alone and that this

passage/

His Excellency
Monsieur Georges Bidault,
etc., etc., etc.,
Ministry for Foreign Affairs,
Paris.

passage in the first document only related to the treatment of Vichy officers and officials at the hands of the British authorities. There was of course no question of His Majesty's Government seeking to safeguard General Denain's position after his return to France. This point was made clear in the memorandum by which His Majesty's Government notified His Majesty's Embassy at Washington of the terms on which they agreed to General Denain's return, though the actual text of the United States Consul General's [illegible] is perhaps a little ambiguous.

I have the honour to be, with the highest consideration,

Monsieur le Ministre,

Your Excellency's most obedient, humble Servant,

(Sgd) Duff Cooper

DUFF COOPER.

NOTE BRITANNIQUE EN REPONSE A LA DEMANDE DE SUSPENSION D'ARMES FORMULEE PAR LE GENERAL DENTZ (Publiée le 12/7/41).

NOTE BRITANNIQUE.

Les Alliés n'ont pas d'autre but en SYRIE que celui d'empêcher qu'elle ne serve de base à des forces terrestres et aériennes ennemies contre leurs positions militaires dans le moyen Orient. Ils se sont également engagés à l'égard de la population arabe en lui donnant lors de leur entrée en SYRIE, une garantie d'indépendance. La GRANDE BRETAGNE a appuyé la déclaration du Général CATROUX. La représentation des Français dans le Levant sera assurée par les Autorités Françaises Libres dans le cadre de la promesse d'indépendance qu'elles ont donnée à la SYRIE et au LIBAN et à laquelle la GRANDE BRETAGNE est elle-même associée.

2 - Les Alliés n'éprouvent aucun ressentiment d'aucune sorte contre les Français en SYRIE et sont disposés à accorder de plano une amnistie complète en ce qui concerne le récent combat. Ils n'ont aucun grief à formuler à l'égard d'aucun des chefs, des autorités ou des troupes en SYRIE.

Le Général de GAULLE qui n'a jamais sévi contre aucun de ses camarades de l'armée qui a combattu contre lui, en exécution des ordres qu'ils ont reçus, n'a pas l'intention de le faire dans les circonstances présentes.

3 - Ils doivent cependant prendre des assurances pour empêcher le matériel de guerre de SYRIE d'être employé contre eux. Ce matériel doit, en conséquence, leur être livré.

4 - En ce qui concerne les Troupes Françaises en SYRIE, pleine liberté doit leur être donnée de se joindre aux Forces Alliées dans leur lutte contre les Puissances de l'Axe. En même temps, les Alliés se réservent le droit de prendre les mesures propres à assurer la liberté et la sincérité du choix de chacun.

5 - Toutes facilités doivent être données pour que chacun d'eux soit complètement averti de la situation et du choix qui lui est offert. Les membres des Forces Combattantes qui ne sont pas disposés à se joindre à la cause alliée seront rapatriés avec leur Famille, si les circonstances le permettent et lorsqu'elles s'y prêteront.

6 - Des conditions honorables seront offertes à tous ceux qui souhaitent se joindre aux Forces Alliées. A ceux qui seront pris bons pour le service, on offrira de continuer à exercer leurs fonctions avec le grade qu'ils ont pendant l'enquête. Les autres seront honorablement traités en attendant leur rapatriement. A tous les officiers disposés à aider la cause alliée, on donnera autant que possible un emploi correspondant à leur dispositions et à leur grade et leurs soldes seront garanties. Les autres gradés seront traités de la même manière que les officier de l'Armée. Ceux qui ne sont pas disposés à aider la cause alliée seront rapatriés avec leur famille.

7 - Les voies ferrées, ports, communications et installations radio, installations pétrolifères etc...ne seront pas endommagés ou détruits, mais remis aux Alliés pour leur usage. Les Forces Alliées auront le droit d'occuper militairement la SYRIE pendant la durée de la guerre.

8 - Tous Allemands ou Italiens en SYRIE seront livrés pour être internés.

9 - Tous les bâtiments de guerre seront remis intacts pour être internés et, en conséquence, seront amenés et maintenus

V

à [redacted] comme base. Ils pourront être éventuellement dirigés ailleurs sur ordre du Commandant en Chef de la Méditerranée, si les conditions de sécurité l'exigent.

La restitution des bâtiments après la guerre ou leur compensation est garantie à une France amie.

10 - Le blocus sera levé et la SYRIE et le LIBAN seront immédiatement mis en relation avec le bloc sterling.

11 - Tous les Anglais faits prisonniers au cours des opérations de SYRIE et du LIBAN seront remis en liberté.

Le Gouvernement Britannique désire que vous fassiez clairement savoir au Général DENTZ, en lui communiquant ces conditions que, suivant certaines informations, des officiers britanniques ayant été envoyés en FRANCE pour y être internés, les Autorités Britanniques seront dans la nécessité, aussi longtemps que durera la mise en liberté des prisonniers britanniques intéressés, d'interner un nombre suffisant de partisans de VICHY, en provenance de SYRIE afin de prévoir, le cas dans lequel des prisonniers de guerre anglais ne seraient pas restitués mais resteraient internés en FRANCE.

Le Gouvernement Britannique désire également que vous expliquiez que, si le Général DENTZ accepte les conditions contenues dans le présent mémorandum, comme base de négociations et répond dans ce sens, les Autorités Militaires Britanniques seront prêtes à cesser les hostilités et à rencontrer les représentants du Général DENTZ sans autre délai.

4.

Far from desiring to impose any dishonorable terms on General DENTZ, His Majesty's Government are entirely prepared to accord full honors of war to him and other military and civilian officers who have only done what they conceived to be their duty to their Government.

There can therefore be no question of General DENTZ or any other military or civilian official being condemned to death or to any other penalty.

The High Commissioner, his staff, all French officers, and all service personnel who do not wish to remain will be repatriated as and when possible.

Negotiations for a cessation of hostilities to be carried on between General Sir Henry MAITLAND WILSON (representing the Commander in Chief) and representatives of General DENTZ.

Hostilities to cease at once and all the compliments of war will be accorded to the military forces.

236

687.
174/14/45.

HIS Majesty's **Ambassador** at **Paris** presents his compliments to **H.M.P.S. of S. for F.A.,** and has the honour to transmit to him the under-mentioned documents.

British **Embassy,**
Paris.

27th June, 194**5.**

Reference to previous correspondence:

F.O. despatch No. 1049 of the 18th June, 1945.

Description of Enclosure.

Name and Date.	Subject.
To: Minister for Foreign Affairs. **(with enclosures)** **Dated: 27th June, 1945.**	**Case of General Dentz.**

26. 159F

1945

WESTERN

Z8103 /G 237

7 JUL 1945

14

Z8103/255/G.17

Mr Holman
Paris
408
(224/14/45)
Dated 5 July
Received 4 July.

France : Captured German archives.

The photostatic copies of a German archives file. Gives summary of most important documents.
States that it seems likely that these papers may serve as evidence in Marshal Pétain's defence.

Last Paper.

Z6230

References.

(Print.)

(How disposed of.)
copy retained by C

(Action completed.) D.F. 9/8

(Index.) W/H.

Next Paper.

Z8414

(Minutes.)

The documents are adequately summarized in the covering despatch. It should be noted that the nos. given are not in accordance with chronology.

The Romier referred to was Vichy Minister of State until 30th Dec, 1943, when he resigned in the course of a protracted shake-up in the Vichy Govt. He died suddenly (of heart failure) a day or two later.

My recollection is that we knew at the time (or shortly after) of these German suspicions about Pétain's intentions, but Mr Cavendish Bentinck's friends may wish to take this opportunity of checking up on the degree of accuracy of the reports/

reports which reached them.

238

Room 47 copy retained by C

H.L. Simpson 19/7

Mr. George. P. 20/7

Will you arrange for C. to see this report?

A.R. 20/7

H Dunn 4.8.

2

28103 / G

7 JUL 1945

BRITISH ~~EMBASSY~~

PARIS

239.

237/17/45.

No. 708.

5th July, 1945.

Sir,

I have the honour to transmit to you herewith photostatic copies of an Abwehr III file recovered by Supreme Headquarters Allied Expeditionary Force from the German Heeresarchiv at Blankenberg in the Harz Mountains. Copies have also been sent by S.H.A.E.F. to the French Government and the United States Embassy in Paris.

2. The following is a brief summary of the most important documents on the file, which is dated March 1943.

A telegram from Abwehr III reporting that Laval is of the opinion that Pétain has acted in agreement with Darlan and remains in contact with Giraud and the Americans while refusing to negotiate with the English and De Gaulle. Laval also maintains that there is talk in Petain's personal entourage of his flight to North Africa. (Paper 1).

A report from Abetz of a conversation with Laval in which Laval agrees to the posting of German police in the Hotel du Parc and says that he will convince the Marshal that he, Laval, requested them for his own protection. (Paper 11).

A report from Krug, German ~~Consul~~ Minister at Vichy, to the German Foreign Office, reporting a conversation with Romier, a member of the Vichy Government, who was reported to have great influence over the Marshal. Romier confirms that there seems to be no clear pretext for Pétain's request to visit his estate at Villeneuve, near Cannes. (The Germans had refused him permission to go). Romier declared that Pétain continued to regard himself as the father of the French people to which Krug replied that given present conditions in North Africa, such a conception of fatherhood might conceal the greatest political dangers. Romier agreed that the Marshal should be closely watched. Romier then raised the possibility of peace negotiations between France and Germany which he claimed would precipitate a Cabinet crisis in England, since it would give the Conservatives - long discontented with Churchill's policy - a chance to cut adrift from Churchill. Romer mentioned the name of Sir Samual Hoare and Krug concluded that discussions had been going on through intermediaries between Pétain and Sir Samual Hoare. (Paper ~~15~~. 14)

Oberg, Gestapo Commander in France reported in March 1943 that he had inspected the arrangements for guarding the Marshal and the air field at Vichy. He reported that there were two companies of police on the air field and that in the district there were available four other companies with motorised detachments. Twenty men of the German security police patrolled outside the Hotel du Parc at night and an observation post overlooking the back of the hotel was permanently manned. (Paper ~~16~~. 15)

In March 1943, the Marshal objected to the reinforcement of his own guard by German police and threatened to leave the Hotel du Parc if German police were stationed there. Finally it was agreed that they should only be there during the day. (Paper 18).

3. It seems likely that these papers may serve as valuable evidence in Marshal Pétain's defence, since they might help him to prove that since early 1943 he had been a prisoner of the Germans, and had thus been prevented from escaping to North Africa.

I have the honour to be, with the highest respect,
Sir,
Your most obedient, humble Servant,

Edward Seymour

The Right Honourable
Anthony Eden, M.C., M.P.,
etc., etc., etc.,

TO FILE 8103/255/17 FOLIO ( )
1945

Alte Pétain 4/4.43

18

Geheime Kommandosache

Amt Ausland/Abwehr

27. 3. 1943

Ag Ausland Nr. 627/43 gKdos II A 5 (2.Ang.)

3 Ausfertigungen

2. Ausfertigung

Abwehrabteilung III
Eing.: 29 MRZ 1943
1236/43 g. Stück
Anlagen: —

Abschriftlich an

Chef Abw I

Chef Abw III

im Nachgang zu Nr. 627/43 gKdos Ausl II A 5 vom 18.3.1943.

I.A.

Abschrift.

Ausw.Amt Pol II 1153 g vom 23.3.:

Die Deutsche Botschaft in Paris drahtet am 19.März folgendes:

"Präsident Laval hat Zweigstelle Vichy am 17.März mitgeteilt, dass ihm gelungen sei, die Zustimmung des Marschalls dazu zu erlangen, dass die persönliche Garde des Marschalls nunmehr Lavals Befehlshoheit unterstellt wird. Dagegen mache der Marschall nach wie vor Schwierigkeiten wegen der Aufnahme deutscher Polizeibeamter in die Wache des Hotel du Parc. Der Marschall habe erklärt, dass er das Hotel du Parc verlassen würde, wenn Präsident Laval deutsche Polizeibeamte dort stationiere.

Nach Auskunft der Dienststelle des Höheren SS- und Polizeiführers vom Vormittag des 19.März ist jedoch inzwischen folgende Lösung gefunden worden: Der Marschall ist damit einverstanden, dass tagsüber zwei deutsche Polizeibeamter im Hotel du Parc stationiert sind, die jedoch nachts nicht dort bleiben sollen. Für die Sicherheits nachts prüft der Höhere SS- und Polizeiführer mit Gen.Sekr.Bousquet die Möglichkeiten einer äusseren Sicherung um das Hotel herum. "

b.w.!

Mlle Pitaval
16.7.43

Geheime Kommandosache

Amt Ausland/Abwehr
Ag Ausland Nr. 627/43 gKdos II A 5 (3.Ang.)

30. 3. 1943

3 Ausfertigungen
2. Ausfertigung

Abschriftlich an

Chef Abw I
Chef Abw III

im Nachgang zu Nr. 627/43 gKdos Ausl II A 5 vom 27.3.

I.A.

Abwehrabteilung III
Eing.: 31. MRZ. 1943
Vn. 236/43 g. Kdos.
Anlagen:

Geheime Kommandosache

Kurierbrief

Herrn

Oberst Martin

o. V. i. A.

Ob. d. L. 0055/43 g K. Ausb. III 6

-5229

Abschrift.

Ausw.Amt Pol II 1154 g vom 24.3.:

Die Dt.Botschaft Paris drahtet am 19.3.1943:

"Gesandtschaftsrat Struve meldet aus Vichy:

1.) Gelegentlich Unterredung mit Menetrel kam Gespräch auf die Frage Sicherheit Marschalls. Menetrel liess jedenfalls nach aussen hin gewisses Verständnis für den deutschen Standpunkt durchblicken. Ich hatte den Eindruck, dass Marschall sich mit Eingliederung deutscher Polizeibeamten in die Bewachung Park-Hotel nunmehr abfindet.

Wie deutsche Polizeidelegation meldet, sind zwei deutsche Polizeibeamte nun wiederum im Parkhotel stationiert worden.

2.) Hatte längere Unterhaltung mit Admiral Platon, der unterstrich, dass die Verweigerung Reise nach Villeneuve auch nur für wenige Tage Marschall äusserst schmerzlich gewesen sei. Marschall habe erklärt, dass ein Erholungsurlaub an einem anderen Ort [redacted] Aufenthalt in seinem eigenen Hause ersetzen könne. Nur bei sich könne er sich wirklich ausruhen. Von diesem Standpunkt sei er bisher nicht abzubringen gewesen. Admiral Platon sprach dann mit [redacted] Verständnis von den deutschen Befürchtungen für die Sicherheit Marschalls. Er fügte jedoch hinzu, dass er eine etwaige Besorgnis, dass der Marschall nach Afrika flüchten wolle, für ganz unbegründet halte, er glaube Marschall einigermassen zu kennen und habe auch Gelegenheit gehabt, in der letzten Zeit seinen Gedankengängen zu folgen. Er glaube mit Bestimmtheit sagen zu können, dass Marschall in keiner Weise an eine Flucht nach Afrika denke. Er hätte Frankreich 1940 nicht verlassen und würde es auch heute nicht im Stich lassen."

-2-

Mlle Pétain 16/4.43

Abschrift.

16

Ausw.Amt Pol II 1163 g vom 24.3.:

Die Dt Botschaft Paris berichtet am 22.3.43:

" Bei heutiger Besprechung mit Brigadeführer Oberg teilte er mir mit, dass er am 23.März nach Vichy fahren werde, um an Ort und Stelle nochmals zu prüfen, ob die inzwischen vom SD-Kommando durchgeführte Überwachung Pétains ausreichend ist. Oberg wies darauf hin, dass der Flugplatz Vichy inzwischen mit 2 Kompanien Polizei belegt wurde, und dass in der Umgebung von Vichy in einer Entfernung von 9-20 km weitere 4 Kompanien Polizei untergebracht sind.

Von diesen Kompanien sind motorisierte Einsatzkommandos ständig abrufbereit, um auf funktelegrafische Weisung von SS-Hauptsturmführer Geisler jederzeit einzugreifen.

Weitere Bericht folgt nach Rückkehr von Brigadeführer Oberg. "

Schleier.

~~Geheime Kommandosache~~

Amt Ausland/Abwehr
Ag Ausland Nr. 627/43 gKdos II A 5 (4.Ang.)

30. 3. 1943

3 Ausfertigungen
2. Ausfertigung

Abschriftlich an

Chef Abw I
Chef Abw III

im Nachgang zu Nr. 627/43 gKdos Ausl II A 5 (3.Ang.) vom 30.3.43.

I.A.

Abwehrabteilung III
Eing.: 31. MRZ. 1943
M.: 1236/43 g. Kdos.
Anlagen: —

Akte Pétain

16/4.47

Abschrift.

Ausw.Amt Pol II 1250 g vom 30.3.43:

Die Deutsche Botschaft Paris berichtet am 27.3.43:

"Hatte heute Unterredung mit Brigadeführer Oberg, der von seiner Reise nach Vichy zurückgekehrt ist. Wie bereits gemeldet, liegen um Vichy herum insgesamt 2 Polizeibataillone, die, wie folgt verteilt sind: Je 2 Kompanien auf Flugplatz Vichy in Cannat und in Thiers, je 1 Komp. in La-Palisse und in St.Pourcain.

Von jeder dieser Kompanien sind die Unterführer zu motorisierten Jagdkommandos zusammengefasst, mit Personenkraftwagen ausgerüstet und neben der Funkstation untergebracht. Im Falle, dass Gefahr im Verzuge ist, gibt Hauptsturmführer Geisler von Vichy aus auf Funkweg Alarm und Angabe, in Richtung welcher Quadrate sich eine beabsichtigte Flucht bewegt. Die motorisierten Kommandos werden alsdann sofort eingesetzt und beziehen festgelegte Plätze zur Bildung Strassensperren.

In Vichy selbst befinden sich ständig 2 Angehörige des Kommandos Geisler im Hôtel du Parc, wo Präsident Laval seine Büros hat.

Nachts wird das Gelände um das Hôtel du Parc von insgesamt 20 Mann Sicherheitspolizei (einschl. der nötigen Ablösung) umspielt.

Im Begleitkommando des Marschalls Pétain befinden sich einzelne franz. V-Leute, die zu Geisler besonders gute und enge Beziehungen unterhalte

-2

Brigadeführer Oberg hat Anweisung gegeben, dass Geider einen ständigen Beobachtungsposten in einem Haus einrichtet, das in einer Strasse gelegen ist, wo sich die Rückfront des Hôtel du Parc mit einer Autoausfahrt befindet.

Brigadeführer Oberg ist weiterhin bemüht, die Überwachung des Marschalls nach Möglichkeit zu vervollkommnen. "

Geheime Kommandosache

Amt Ausland/Abwehr
Ag Ausland Nr. 627/43 gKdos II A 5 (V.Ang.)

5. 4. 1943

3 Ausfertigungen
2. Ausfertigung

Abschriftlich an

Chef Abw I
Chef Abw III

im Anschluss an Nr. 627/43 gKdos Ausl II A 5 (IV.Ang.)

Abwehrabteilung
Eing.: 6. APR. 1943
Nr. 1236/43 g. Kdos.
Anlagen:

248

Fernschreibstelle Ausl/Abw/Ch

angenommen: 8 Uhr 10 Min 19/43 gkdos
durch Reker am 8 März 1943
von GWNOL Uhr 0155

abgegeben:
durch ... am ...
an ... Uhr ...
" ...
" ...

Durch Geheimschrift

Verzögerungsvermerk:
- G E M -

Fernschreiben: G-WOKA

Dringlichkeitsvermerk:
+ KR/GWNOL 02688 8.3. 2325=
KR AG. AUSLAND ABW.=
- GKDOS--

NACH EINER ABWEHRMELDUNG ERGIBT SICH FOLGENDES BILD UEBER DIE HALTUNG FRANZ. REGIERUNGSKREISE: LAVAL IST DER ANSICHT, DASZ PETAIN IM EINVERSTAENDNIS MIT DARLAN GEHANDELT HABE UND AUCH HEUTE NACH WIE VOR IN ENGER VERBINDUNG MIT GIRAUD UND DEN AMERIKANERN STEHE, WAEHREND ER JEGLICHE VERBINDUNG ZU DEN ENGLAENDERN UND DE GAULLE ABLEHNE. LAVAL BEHAUPTET WEITER, IN DER PERSOENLICHEN UMGEBUNG PETAINS WERDE DIE FLUCHT DES MARSCHALLS NACH NORDAFRIKA ERWOGEN UND PETAIN BEFASSE SICH EBENFALLS MIT SOLCHEN GEDANKEN. LAVAL GLAUBE, DASZ PETAIN SICH ZUR FLUCHT NACH AFRIKA UNTER DER BINDUNG ENTSCHLIESZEN WUERDE, WENN IHM DIE VOLLZIEHENDE GEWALT IN DIESEN GEBIETEN UEBERTRAGEN WUERDE UND DIE ALLIIERTEN NUR DIESELBEN RECHTE HAETTEN WIE IN FRANKREICH VOR DEM ZUSAMMENBRUCH.- ES SIND IN LETZTER ZEIT VERSCHIEDENE NACHRICHTEN UEBER DIE UNKLARE HALTUNG PETAINS EINGELAUFEN. DIE EINGEHENDE UEBERWACHUNG DER FRANZ.

Abt.: ... Tel.: ...
Haus ... Stockw. ... Zim. Nr. ...

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zu den Akten Angelegenheit Petain

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0000. D998. 6. 42.

Fernschreibstelle Ausl/Abw/Chi

angenommen:

durch _____ am _____

von _____ Uhr _____

Verzögerungsvermerk: _____

abgegeben:

durch _____ am _____

an _____ Uhr _____

" _____ "

" _____ "

" _____ "

Geheime Kommandosache — Entwurf

Fernschreiben: Geheime Kommandosache !

Dringlichkeitsvermerk:

DURCH GEHEIMSCHREIBER!

4 Ausfertigungen
3. Ausfertigung.

An

FSt/ VO/ Ausl

Bezug: Dort.Nr. 001180/43 gkdos.

1.) Die Überwachung des Marschalls Pétain und der franz.Regierungskreise in Vichy ist Aufgabe des Höheren SS u.Polizeiführers.

2.) Die zeitweise durchgeführte persönliche Überwachung des Marschalls Pétain wurde auf Einspruch der franz.Regierung fallengelassen. Zurzeit findet nur eine nachrichtendienstliche Überwachung vonseiten der deutschen Sicherheitspolizei und des SD statt.

Abwehrleitstelle Frankreich ist von Amt Ausl/Abw/Abt Abw III angewiesen, ebenfalls alles zu tun, um etwaige Fluchtpläne rechtzeitig zu erfahren.

3.) Amt Ausl/Abw wird bei A.A. anregen, dass „mit Rücksicht auf bestehende Attentatspläne" von der franz. Regierung gefordert wird, dass deutsche Polizei in das franz. Polizeipersonal, welches für den persönlichen Schutz des Marschalls (und des Präsidenten Laval) verantwortlich ist, eingebaut wird.

Reichssicherheitshauptamt (Gruppenführer Müller) ist unterrichtet, da die Möglichkeit besteht, dass durch diese Forderung an die franz. Regierung ein vorzeitiger Fluchtversuch des Marschalls Pétain und franz. Regierungskreise in Vichy angeregt wird.

Im Auftrage:

gez. Bentivegni.

O K W
Amt ~~Ausl/Abw/Abt Abw III~~
Nr.1107/43 gKdos(III C)

Vor Abgang: Ag Ausl mit der Bitte um Mitprüfung und etwaigen weiteren Veranlassung

Nach Aufgabe zurück an: gem- Ziff. 3).

Abw III C

Abt.: Abw III C Tel.: 63333

Haus _____ Stockw. _____ Zim. Nr. _____

50 000. DZB 1. 41.

Fernschreibstelle Ausl/Abw/Chi G-W

angenommen: 12.Mär

durch _____ am _____

von _____ Uhr _____

Verzögerungsvermerk: _____

abgegeben:

durch _____ am _____

an _____ Uhr _____

" _____

" _____

Abwehrabteilung III
Eing.: 12. MRZ. 1943
Anl.: " zcb.
Anlagen:

Geheime Kommandosache

Fernschreiben: Gemeine Kommandosache !

Dringlichkeitsvermerk:

DURCH GEHEIMSCHREIBER!

4 Ausfertigungen
1. Ausfertigung.

An

WFSt/ VO/ Ausl

Bezug: Dort.Nr. 001180/43 gkdos.

1.) Die Überwachung des Marschalls Pétain und der franz.Regierungskreise in Vichy ist Aufgabe des Höheren SS u.Polizeiführers.

2.) Die zeitweise durchgeführte persönliche Überwachung des Marschalls Pétain wurde auf Einspruch der franz.Regierung fallengelassen. Zurzeit findet nur eine nachrichtendienstliche Überwachung vonseiten der deutschen Sicherheitspolizei und des SD statt.

Abwehrleitstelle Frankreich ist von Amt Ausl/Abw/Abt Abw III angewiesen, ebenfalls alles zu tun, um etwaige Fluchtpläne rechtzeitig zu erfahren.

3.) Amt Ausl/Abw wird bei A.A. anregen, dass „mit Rücksicht auf bestehende Attentatspläne" von der franz. Regierung gefordert wird, dass deutsche Polizei in das franz. Polizeipersonal, welches für den persönlichen Schutz des Marschalls verantwortlich ist, eingebaut wird. (und der französischen Regierung)

Reichssicherheitshauptamt (Gruppenführer Müller) ist unterrichtet , da die Möglichkeit besteht, dass durch diese Forderung an die franz. Regierung ein vorzeitiger Fluchtversuch des Marschalls Pétain und franz. Regierungskreise in Vichy ausgelöst wird.

[redacted]

Im Auftrage:

OKW
Amt Ausl/Abw/Abt Abw III
Nr.1107/43 gKdos(III C)

(Bentivegni, Oberst)

Nach Aufgabe zurück an:
Abw III C

Abt.: Abw III C Tel.: 63333

Haus _____ Stockw. _____ Zim. Nr. _____

50 000. D 28 1. 41.

Fernschreibstelle Ausl/Abw/Chi

Obl Martini 4

angenommen:

durch _____ am _____

von _____ Uhr _____

Verzögerungsvermerk: _____

abgegeben:

1.Ausfertigung: WFSt/VO/Ausl

durch _____ am _____

2.) Ausfertigung: RSHA

an _____ Uhr _____

3.) Ausfertigung: Amt Ausl/Abw

" _____ " _____

4.) Ausfertigung: Entwurf

" _____ "

Geheime Kommandosache

Entwurf

Fernschreiben: Gemeine Kommandosache !

Dringlichkeits-vermerk:

DURCH GEHEIMSCHREIBER!

4 Ausfertigungen
3 Ausfertigung.

An

Kdo 13.3.43

WFSt/ VO/ Ausl

Ausschuß hat stattgefunden. Überwachung in Sache der Pét. SS. Vom Amt wird gegen Einsatz deutscher Polizei kein Bedenken gestellt.
Dr Rüdiger

Bezug: Dort.Nr. 001180/43 gkdos.

1.) Die Überwachung des Marschalls Pétain und der franz.Regierungskreise in Vichy ist Aufgabe des Höheren SS u.Polizeiführers.

2.) Die zeitweise durchgeführte persönliche Überwachung des Marschalls Pétain wurde auf Einspruch der franz.Regierung fallengelassen. Zurzeit findet nur eine nachrichtendienstliche Überwachung vonseiten der deutschen Sicherheitspolizei und des SD statt.

Abwehrleitstelle Frankreich ist von Amt Ausl/Abw/Abt Abw III angewiesen, ebenfalls alles zu tun, um etwaige Fluchtpläne rechtzeitig zu erfahren.

3.) Amt Ausl/Abw wird bei A.A. anregen, „ mit Rücksicht auf bestehende Attentatspläne" von der franz. Regierung gefordert wird, dass deutsche Polizei in das franz. Polizeipersonal, welches für den persönlichen Schutz des Marschalls verantwortlich ist, eingebaut wird. (und ihr Einsatz kann)

Kreisleiter

Reichssicherheitshauptamt (Gruppenführer Müller) ist unterrichtet , da die Möglichkeit besteht, dass durch diese Forderung an die franz. Regierung ein vorzeitiger Fluchtversuch des Marschalls Pétain und franz. Regierungskreise in Vichy ausgelöst wird.

Über die Stellungnahme des Ausw.Amtes wird ~~ihm~~ Amt Ausl/Abw ~~RSHA unverzüglich unterrichten.~~

Im Auftrage:

O K W
Amt ~~Ausl/Abw/Abt Abw III~~
Nr.1107/43 gKdos(III C)

Vor Abgang: Ag Ausl mit d.Bitte um Einverständnis u.etwaige weitere Veranlassung zu Ziff.3).

Nach Aufgabe zurück an: Abw III C

Abt.: Abw III C Tel.: 63333

Haus _____ Stockw. _____ Zim. Nr. _____

50 000. DRW 1. 41.

Fernschreibstelle Ausl/Abw/Chi

5

angenommen:

durch _____ am _____

von _____ Uhr _____

Verzögerungsvermerk: _____

_____

abgegeben:

durch _____ am _____

an _____ Uhr _____

" _____ " _____

" _____ " _____

" _____ " _____

Fernschreiben: Geheime Kommandosache

Dringlichkeits-vermerk:

Geheime Kommandsache!

Entwurf

Durch Geheimschreiber!

3 Ausfertigungen.
7. Ausfertigung.

An

W F St / VO / Ausl

Bezug: Dort.Nr. 001180/43 gKdos.

1.) Die Überwachung des Marschalls Pétain und der franz.Regierungskreise in Vichy ist Aufgabe des Höheren SS u.Polizeiführers.

2.) Die zeitweise durchgeführte persönliche Überwachung des Marschalls Pétain wurde auf Einspruch der franz.Regierung fallengelassen. Zurzeit findet nur eine nachrichtendienstliche Überwachung vonseiten der deutschen Sicherheitspolizei und des SD statt.

Abwehrleitstelle Frankreich ist von Amt Ausl/Abw/Abt Abw III angewiesen, ebenfalls alles zu tun, um etwaige Fluchtpläne rechtzeitig zu erfahren.

Durchschlag Ag. A u s l zur Kenntnis.

Im Auftrage

gez. v.Bentivegni

F.d.R.

Oberst.

O K W - Amt Ausl Abw/Abt.Abw III
Nr. 1107/43 gKdos (III C).

Nach Aufgabe zurück an:

Abt.: Abw III C Tel.: 63 333

Haus _____ Stockw. _____ Zim. Nr. _____

50 000. D⅔B 1. 41.

Berlin, den 13. März 1943.

Betr.: Angelegenheit Marschall P é t a i n - 12,05 Uhr.

Oberst J a c o b s e n teilt mit, daß der Amtschef dem Vorschlage nicht zugestimmt hat.

Die Ziff. 3 des F.S. an WFSt/VO/Ausl ist daher zu streichen. Außerdem muß diese Anregung beim Auswärtigen Amt zurückgezogen und das RSHA. entsprechend verständigt werden.

Daraufhin Folgendes veranlaßt:

1. Dringende Anmeldung eines Gesprächs an Wolfsschanze, Oberst K r u m m a c h e r .
2. 12,10 Uhr Leg.Rat v. G r o t h e mitgeteilt, daß OKW diese Anregung hiermit zurücknimmt. Leg.Rat v.Grothe hat in dieser Angelegenheit noch nichts veranlaßt.
3. Da Ob.Reg.Rat H u p p e n k o t h e n z.Zt. nicht erreichbar, Krim.Rat L a n g e , RSHA, gebeten, Ob.Reg.Rat Huppenkothen zu unterrichten, daßO K W die Anregung nicht gibt. Auf Frage nach Begründung zum Ausdruck gebracht, daß diese Maßnahmen ganz dem Reichsführer SS überlassen würden.

4.) 12[45] mit Ord. Offz. Obstlt Krummacher besprochen. Das geplante FS wird zurückgezogen und mündlich, das neue FS abgesandt.

Martini

Fernschreibstelle Ausl/Abw/Ch G-WOKA

angenommen: 13. März 1943

durch _____ am _____

von _____ Uhr 1837

Verzögerungsvermerk: _____

abgegeben:

durch _____ am _____

an _____ Uhr 1837

" _____ "

" _____ "

" _____ "

Fernschreiben: Geheime Kommandosache

Dringlichkeitsvermerk:

Geheime Kommandsache!

Durch Geheimschreiber! 3 Ausfertigungen.
1 Ausfertigung.

An

W F St / VO / Ausl

Bezug: Dort.Nr. 001180/43 gKdos.

1.) Die Überwachung des Marschalls Pétain und der franz.Regierungskreise in Vichy ist Aufgabe des Höheren SS u.Polizeiführers.

2.) Die zeitweise durchgeführte persönliche Überwachung des Marschalls Pétain wurde auf Einspruch der franz.Regierung fallengelassen. Zurzeit findet nur eine nachrichtendienstliche Überwachung vonseiten der deutschen Sicherheitspolizei und des SD statt.

Abwehrleitstelle Frankreich ist von Amt Ausl/Abw/Abt Abw III angewiesen, ebenfalls alles zu tun, um etwaige Fluchtpläne rechtzeitig zu erfahren.

W.d.R.

Oberst.

Im Auftrage

gez. v.Bentivegni

O K W - Amt Ausl Abw/Abt.Abw III
Nr. 1107/43 gKdos (III C).

Nach Aufgabe zurück an:

Abt.: Abw III C Tel.: 63 333

Haus _____ Stockw. _____ Zim. Nr. _____

50 000. DRB 1. 41.

Akte Petain 19/4 hr

8

F.S.

ab Dr. Klein
für Akte 13/3 43

GEHEIME KOMMANDOSACHE!

Geheime Kommandosache

2 Ausfertigungen
2. Ausfertigung

An

Abwehrleitstelle Frankreich
z.Hd.v.Oberst Rudolph o.V.i.A.

Aus verläßlicher Quelle verlautet, daß in der Umgebung Pétains die Flucht des Marschalls nach Afrika erwogen würde. Abwehrabteilung III wird bei den zuständigen Reichsressorts das Erforderliche veranlassen. Abwehrleitstelle schaltet sich ein, um etwaige Fluchtpläne rechtzeitig zu erfahren.

Im Auftrage:

Martini

Amt Ausl/Abw
Abt.Abw III Nr.1107/43gKdos(IIIC5)

Dr.Krausoldt

Abw IIIC5 1

63 342
115

Fernschreibstelle Ausl/Abw/Chi

9

angenommen:
durch Pluis am 13. März 1943
von Uhr 11.15

abgegeben:
durch am
an Uhr
" "
" "
" 00119 K/

Verzögerungsvermerk:

Fernschreiben: GEHEIME KOMMANDOSACHE!

Dringlichkeits-vermerk:

Geheime Kommandosache

2 Ausfertigungen
1 Ausfertigung

An

Abwehrleitstelle Frankreich
z.Hd.v.Oberst Rudolph o.V.i.A.

15/3.

Aus verläßlicher Quelle verlautet, daß in der Umgebung Pétains die Flucht des Marschalls nach Afrika erwogen würde. Abwehrabteilung III wird bei den zuständigen Reichsressorts das Erforderliche veranlassen. Abwehrleitstelle schaltet sich ein, um etwaige Fluchtpläne rechtzeitig zu erfahren.

Im Auftrage:
Martini

Amt Ausl/Abw
Abt.Abw III Nr.1107/43gKdos(IIIC5)

Nach Aufgabe zurück an:
Dr.Kraussoldt

Abt.: Abw IIIC5 Tel.: 63 3[illegible]
Haus 1 Stockw. Zim. Nr. 115

50 000. 9.43. 10. 40.

Abschrift.

11

Ausw.Amt Pol II 1053 vom 15.3.1943:

Die Deutsche Botschaft Paris drahtet am 13.3.:

" Weisuhgsgemäss Präsidenten Laval Freitag mittag nochmals Reiseabsicht Marschalls Pétain gesprochen, wobei ich aus deutscher Verwunderung, dass derartige Wünsche nach frühserer Ablehnung nochmals vorgebracht wurden, kein Hehl machte. Es besteht kein Zweifel, dass Côte d'Azur Kriegsgebiet sei. Dieses dürfe auch von keiner anderen prominenten französischen Persönlichkeit betreten werden.

Nach Kenntnisnahme bestätigte mir Laval offiziell, dass wir uns darauf verlassen könnten, künftig von ihm persönlich von etwaigen Reiseabsichten Pétains unterrichtet zu werden. Hatte vor meinem Besuch anderhalbstündige Unterredung mit Marschall, die nach seinen Angaben befriedigend verlaufen sei und bei der Marschall auf Reisewünsche nicht wieder zurückgekommen sei. Dagegen hatte ihn Pétain auf angeblich falsche Auslegung seiner bekannt gewordenen Äusserungen über letzte Giraud-Rede angesprochen. Marschall behauptet jetzt gesagt zu haben, Girauds Rede sei nicht gut, sondern ihrer Güte wegen gefährlich.

Habe Laval nochmals nachdrücklichst darauf hingewiesen, vor allem Umgebung Marschalls mit wachsamen Misstrauen zu verfolgen. Laval äusserte sich, dass er in Aussicht genommene Regierungsumbildung zum Anlass von Personenwechsel in Kabinett Marschalls nehmen wolle, selbstverständlich durch Ersetzung General Campets, eventuell Lavagnes. Jeder greifbare Anhaltspunkt über etwaige Verbindungen des Hauses Pétain mit Algier oder Rabat könnte seine Aufgabe wesentlich erleichtern und würde auch Marschal von Notwendigkeit Säuberung seiner Umgebung überzeugen. Anrege in dieser Hinsicht direkte Überwachung französischer Emigrantennester in der Schwdz (Dumoulin), In Lissabon (Baraduc), in Madrid (Pucheu) und Tanger (Levastre). Faden scheint vor allem zu Dumoulin und Pucheu zu laufen. ---

Ich fahre mit Brigadeführer Oberg heute morgen nach Nevers, wo wir uns mit Präsidenten Laval und Generalsekretär Bousquet gegen Mittag treffen werden zur Ausführung der Weisung gem. Drahterlass vom 13.3. "

Ausw.Amt Pol II 1054 g vom 15.3.1943:

Die Deutsche Botschaft Paris drahtet am 13.3.:

"Heute nachmittag hat in der Präfektur von Nevers die Besprechung mit Präsidenten Laval und Generalsekretär Bousquet gemeinsam mit SS-Brigadeführer Oberg stattgefunden.

Präsident

Präsident Laval zeigte Verständnis für die von deutscher Seite vorgebrachte Forderung, bat jedoch mit Rücksicht auf die Empfindlichkeit des Marschalls und auf die bei Bekanntwerden zu erwartende Reaktion der öffentlichen Meinung und der ausländischen Propaganda, in möglichst diskreter und vorsichtiger Weise vorzugehen, da es sonst zu einer Krise kommen könnte, die auch nicht in unserem Interesse liegen würde. Generalsekretär Bousquet wies besonders darauf hin, dass die bisherige Zivilwache des Marschalls, die sich aus Beamten der Pariser Polizeipräfektur zusammensetzt, und die uniformierte Wache der Gendarmerie Nationale der Weisungsgewalt der Umgebung des Marschalls entzogen und ihm als Generalsekretär für die Polizei anvertraut werden müsste. Es würden alsdann sowohl in der Leitung wie auch in der Zusammensetzung der Schutzwache diejenigen Änderungen vorgenommen, die aus ziviler und uniformierter Wache ein zuverlässiges Instrument machen würden, das auch nicht eines Tages zu einer Gefahr für den Präsidenten Laval werden könnte. Präsident Laval willigte ein, dass ab sofort, d.h. praktisch ab Sonntag vormittag, ständig zwei Beamte des unter Führung des SS-HauptstummDührers Geissler stehenden SD-Kommandos Vichy in einem Büro des Hôtel du Park ständig anwesend sind. Als Büro wird ein Zimmer auf dem gleichen Stockwerk und neben den Räumen des Präsidenten Laval gewählt, während sich die Räume des Marschalls Pétain ein Stockwerk höher befinden.

Präsident Laval will, um zunächst Schwierigkeiten beim Marschall zu vermeiden, diese Wache als für seinen eigenen Schutz vorgesehen bezeichnen, hofft aber auch die Zustimmung des Marschalls zur Einfügung von den in Zivil diensttuenden Beamten des SD in die umzubauende Schutzwache des Marschalls zu finden.

Es ist gestern in Vichy ein Jude verhaftet worden, der versuchte, unter falschem Namen zu Präsident Laval vorzudringen.

Durch Meldung einer Privatperson wurde bekannt, dass in der Familie dieses Juden drohende Reden gehalten wurden, die sich gegen den Präsidenten richteten. - Diesen Vorfall, über den Präsident Laval bereits gestern Abend mit Marschall Pétain gesprochen hat, will Laval benutzen, um die Zustimmung des Marschalls zu den neuen Sicherheitsmassnahmen zu erreichen.

SS-Hauptstummführer Geissler wird im Laufe des Sonntagsvormittag den Dienst von zwei Beamten einrichten.

Anfang

Anfang nächster Woche werden dann in einer neuen Besprechung mit Laval und Bousquet in Paris weitergehende Massnahmen festgelegt werden.

Zweigstelle Vichy berichtet, dass sich die Stimmung in den letzten zwei Tagen sichtlich beruhigt habe. Vom Marschall und seiner Umgebung wird zur Zeit von Reiseplänen nicht gesprochen. Man hat auch nicht den Eindruck, dass irgendwelche ernsthaften Pläne für eine Flucht bestehen."

Oberkommando der Wehrmacht

Geheime Kommandosache

Amt Ausland/Abwehr

Ag Ausland Nr. 627/43 gKdos II A 5

18. 3. 1943

3 Ausfertigungen

2. Ausfertigung

An

Chef Abw I

Chef Abw III

In der Anlage wird Abschrift zweier Berichte der Deutschen Botschaft Paris betr. Sicherungsmassnahmen in der Umgebung des Marschalls Pétain vorgelegt im Nachgang zu Nr. 0055/43 gKdos Ausl II A 5 vom 18.3..

I.A.

Abwehrabteilung III
Eing.: 19. MRZ. 1943
Nr. 1256/43 g. Kdos.
Anlagen: —

14

Geheime Kommandosache

Amt Ausland/Abwehr

Ag Ausland Nr. 0055/43 gKdos II A 5

Berlin, den 18. 3. 1943

Nur z. Unterrichtg. d. Herren Oberbefehlsh.
u. eines engsten Kreises!
Nicht über Registratur!

12 Ausfertigungen
6. Ausfertigung

Herrn
Chef O K W
vorzulegen.

Abschrift.

Auswärtiges Amt Pol II 1633 vom 15.3.1943:

Die Deutsche Botschaft Paris drahtet am 11.3.43:

" Gesandter Krug meldet aus Vichy:

Hatte heute längere Aussprache mit befreundetem Staatsminister Romier, der sich nach langer Krankheit für zwei Tage Vichy aufhält und während ganzen gestrigen Tages mit Marschall Pétain gesprochen hatte. Romier, dessen günstiger Einfluss auf Pétain bekannt ist, erklärte im rechten Augenblick Vichy gekommen zu sein, da er Marschall unter Einfluss seiner Umgebung völlig irritiert angetroffen habe. Romier hat Marschall nahegelegt, vor allem während nächster beider Monate, in denen Angelsachsen durch Militäraktionen und Propaganda verstärkten Einfluss auf Frankreich zu gewinnen versuchen würden, Nerven zu bewahren.

Auf Frage, sich klarer über Pétains Irritiertsein auszudrücken, mitteilte Romier, dass sich Marschall nach wie vor als Vater aller Franzosen fühle und sich letzter Zeit durch zu selbständige Handlungen Lavals beiseitegeschoben fühle. Meiner Erwiderung, dass Vaterschaft über alle Franzosen bei heutigen Verhältnissen Nordafrikas grosse politische Gefahr in sich berge, beipflichtete Romier, der zweimal mit Nachdruck

Herrn
Chef Amt Ausl/Abw
(zugleich für ZL)
vorzulegen.

F St Ic für Ob d L

gez. Rudolf

F.d.R.:
v. Lanisch
Obstlt.

Verteiler:
Chef Abw I
Chef Abw II
Chef Abw III
VO/Ausl f.Stellv.Chef WFSt
Chef Chi
Chef Fr H West
Chef 3.Skl für Ob d M
Vorsitzender Dt.W St K

Nachdruck erklärte, wir sollten Marschall mit überwachen. Romier liess durchblicken, dass beabsichtigte Reise Pétains nach Villeneuve nicht ganz klaren Hintergrund habe, und erklärte wörtlich, dass Anwesenheit Pétains in Afrika auch Übergang Legitimität dorthin bedeuten würde. Hiermit wurden Fluchtabsichten Pétains in diplomatischer Form, aber kaum verborgen ausgesprochen.

Auf unheilvolle Umgebung Marschalls angesprochen, bestätigte Romier meine Ansicht, dass Militärs, vor allem Generaladjutant Centost, auch wenn dieser Dummkopf sei, wegen seiner Verbindung mit anderen Militärs gefährlichster Mann sei. Jardel, Lavagne und so weiter seien weniger einflussreich als Menetrel, den wir trotz schwankender Tendenz pflegen sollten, da Marschall vornehmlich auf diesen höre.

Günstigen Einfluss könnte aber auch Laval dadurch ausüben, dass er der greisenhaften Eitelkeit des Marschalls Rechnung trage, einmal durch stärkere Beteiligung Pétains an Regierungshandlungen, zum anderen z.B. durch Einberufung des "Conseil National" etwa nach Versailles. Der Regierungschef könnte den Staatschef hierbei innerhalb Frankreichs auf Legitimität festlegen. Akt müsse nach Romier in den nächsten drei-vier Wochen erfolgen, wobei Vorbereitungen sofort zu ergreifen wären. Marschall spreche in diesem Zusammenhang von seiner persönlichen Übersiedlung nach Fontainebleau.

Romier ansprach mich hierauf auf die Möglichkeit von Friedensverhandlungen zwischen Deutschland und Frankreich, die offenbar Marschall beschäftigen und für deren günstigsten Zeitpunkt er Juni oder Juli nannte. Habe hierzu keinerlei Stellung genommen, sondern nur erklärt, dass Deutschland zunächst Krieg gewinnen wolle, und alle Völker, die nicht gleiche Blutopfer zu tragen haben wie Deutschland, auch ihren Beitrag für diesen Sieg bringen müssten. Romier meinte jetzt, dass bereits Bekanntwerden derartiger deutsch-französischer Friedenspläne in England sofortige Kabinettskrise in London auslösen werde, da Konservative, die schon

schon längst mit Churchill-Politik unzufrieden seien, dann Gelegenheit hätten, sich von Churchill zu trennen. England habe nichts mehr in diesem Krieg zu gewinnen. Da mich Pétain bereits vor mehreren Wochen auf ähnlichen Gedankengang angesprochen, und in heutiger Unterredung Komier Name Sir Samuel Hoare fiel, ist es nicht ausgeschlossen, dass hinter den Kulissen entsprechender Kontakt zwischen Pétain und Hoare bezw. Zwischenmännern besteht. Irritierung Pétains dürfte also auf Ungewissheit zurückzuführen sein, ob Möglichkeiten für ernsthaftes deutsch-französisches Gespräch bestehen, die auch Wechsel britischer Politik nach sich ziehen könnten, andernfalls Marschall wohl Flucht nach Algier in Erwägung zieht."